

ASSEMBLY BILL NO. 645—COMMITTEE ON JUDICIARY

(ON BEHALF OF LEGISLATIVE COMMISSION)

MARCH 22, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various technical changes to provisions of Nevada Revised Statutes.
(BDR S-819)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to Nevada Revised Statutes; making technical corrections to inappropriate or inaccurate provisions; clarifying ambiguous provisions; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 1.390 is hereby amended to read as follows:
2 1.390 1. Each member of the commission ***on judicial selection*** who
3 is not a judicial officer is entitled to receive a salary of not more than \$80,
4 as fixed by the commission, for each day's attendance at each meeting of
5 the commission.
6 2. While engaged in the business of the commission, each member and
7 employee of the commission is entitled to receive the per diem allowance
8 and travel expenses provided for state officers and employees generally.
9 **Sec. 1.1.** NRS 2.250 is hereby amended to read as follows:
10 2.250 1. The clerk of the supreme court may demand and receive for
11 his services rendered in discharging the duties imposed upon him by law
12 the following fees:
13 (a) Except as otherwise provided in paragraph (c), whenever an appeal
14 is taken to the supreme court, or whenever a special proceeding by way of
15 mandamus, certiorari, prohibition, quo warranto, habeas corpus, or
16 otherwise is brought in or to the supreme court, the appellant and any cross-
17 appellant or the party bringing a special proceeding shall, at or before the

1 appeal, cross-appeal or petition for a special proceeding has been entered
2 on the docket, pay to the clerk of the supreme court the sum of \$200.

3 (b) Except as otherwise provided in paragraph (c), a party to an appeal
4 or special proceeding who petitions the supreme court for a rehearing shall,
5 at the time of filing such a petition, pay to the clerk of the supreme court
6 the sum of \$100.

7 (c) No fees may be charged by the clerk in:

8 (1) Any action brought in or to the supreme court wherein the ~~[state,]~~
9 *State of Nevada* or any county, city or town thereof, or any officer or
10 commission thereof is a party in his or its official or representative
11 capacity, against the ~~[state,]~~ *State of Nevada*, county, city, town, officer or
12 commission;

13 (2) A habeas corpus proceeding of a criminal or quasi-criminal
14 nature; or

15 (3) An appeal taken from, or a special proceeding arising out of, a
16 criminal proceeding.

17 (d) A fee of \$60 for supreme court decisions in pamphlet form for each
18 year, or a fee of \$30 for less than a 6 months' supply of decisions, to be
19 collected from each person who requests such decisions, except those
20 persons and agencies set forth in NRS 2.345. The clerk may charge a
21 reasonable fee to all parties, including, without limitation, the persons and
22 agencies set forth in NRS 2.345, for access to decisions of the supreme
23 court compiled in an electronic format.

24 (e) A fee from a person who requests a photostatic copy or a photocopy
25 print of any paper or document in an amount determined by the justices of
26 the supreme court.

27 2. ~~[No other fees may be charged than those specially set forth in this~~
28 ~~section nor may fees be charged for services other than those set forth in~~
29 ~~this section.]~~ *The clerk of the supreme court shall not charge any fee that*
30 *is not authorized by law.*

31 3. The clerk of the supreme court shall keep a fee book in which the
32 clerk shall enter in detail the title of the matter, proceeding or action, and
33 the fees charged therein. The fee book must be open to public inspection in
34 the office of the clerk.

35 4. The clerk of the supreme court shall publish and post in some
36 conspicuous place in his office a table of fees for public inspection. The
37 clerk shall forfeit a sum of not less than \$20 for each day of his omission to
38 do so, which sum with costs may be recovered by any person by filing an
39 action before any justice of the peace of the same county.

40 5. All fees prescribed in this section must be paid in advance, if
41 demanded. If the clerk of the supreme court has not received any or all of
42 the fees which are due to him for services rendered in any suit or
43 proceeding, the clerk may have execution therefor in his own name against

1 the party from whom they are due, to be issued from the supreme court
2 upon order of a justice thereof or from the court upon affidavit filed.

3 6. The clerk of the supreme court shall give a receipt on demand of the
4 party paying a fee. The receipt must specify the title of the cause in which
5 the fee is paid and the date and the amount of the payment.

6 7. The clerk of the supreme court shall, when depositing with the state
7 treasurer money received for court fees, render to the state treasurer a brief
8 note of the cases in which the money was received.

9 **Sec. 1.3.** NRS 2.255 is hereby amended to read as follows:

10 2.255 If the clerk of the supreme court:

11 1. Violates any of the provisions of subsections 2 and 3 of NRS 2.250,
12 he shall be fined in an amount not exceeding \$1,000.

13 2. Takes greater fees than ~~{allowed under NRS 2.250,}~~ **authorized by**
14 **law**, he shall, upon conviction, be removed from office and fined in an
15 amount not exceeding \$1,000.

16 **Sec. 1.5.** NRS 4.080 is hereby amended to read as follows:

17 4.080 ~~{No other fees may be charged by justices of the peace than~~
18 ~~those specifically set forth in this chapter, nor may fees be charged for any~~
19 ~~other services than those mentioned in this chapter.}~~ **A justice of the peace**
20 **shall not charge any fee that is not authorized by law.**

21 **Sec. 1.7.** NRS 19.070 is hereby amended to read as follows:

22 19.070 ~~{No other fees shall be charged than those set forth in this~~
23 ~~chapter, nor shall fees be charged for any other services than those~~
24 ~~mentioned in this chapter.}~~ **A county clerk shall not charge any fee that is**
25 **not authorized by law.**

26 **Sec. 1.9.** NRS 19.110 is hereby amended to read as follows:

27 19.110 If any county clerk ~~{shall take}~~ **takes** more or greater fees than
28 are ~~{allowed in this chapter,}~~ **authorized by law**, he shall be liable to
29 indictment, and on conviction shall be removed from office and fined in
30 any sum not exceeding \$1,000.

31 **Sec. 2.** NRS 104.9105 is hereby amended to read as follows:

32 104.9105 1. As used in this article, unless the context otherwise
33 requires:

34 (a) "Account debtor" means the person who is obligated on an account,
35 chattel paper or general intangible.

36 (b) "Chattel paper" means a writing or writings which evidence both a
37 monetary obligation and a security interest in or a lease of specific goods,
38 but a charter or other contract involving the use or hire of a vessel is not
39 chattel paper. When a transaction is evidenced both by such a security
40 agreement or a lease and by an instrument or a series of instruments, the
41 group of writings taken together constitutes chattel paper.

42 (c) "Collateral" means the property subject to a security interest, and
43 includes accounts and chattel paper which have been sold.

1 (d) "Debtor" means the person who owes payment or other performance
2 of the obligation secured, whether or not he owns or has rights in the
3 collateral, and includes the seller of accounts or chattel paper. Where the
4 debtor and the owner of the collateral are not the same person, the term
5 "debtor" means the owner of the collateral in any provision of the article
6 dealing with the collateral, the obligor in any provision dealing with the
7 obligation, and may include both where the context so requires.

8 (e) "Deposit account" means a demand, time, savings, passbook or like
9 account maintained with a bank, savings and loan association, credit union
10 or like organization, other than an account evidenced by a certificate of
11 deposit.

12 (f) "Document" means document of title as defined in the general
13 definitions of article 1 (NRS 104.1201), and a receipt of the kind described
14 in subsection 2 of NRS 104.7201.

15 (g) "Encumbrance" includes real estate mortgages and other liens on
16 real estate and all other rights in real estate that are not ownership interests.

17 (h) "Goods" includes all things which are movable at the time the
18 security interest attaches or which are fixtures (NRS 104.9313), but does
19 not include money, documents, instruments, investment property, accounts,
20 chattel paper, general intangibles or minerals or the like (including oil and
21 gas) before extraction. "Goods" also include standing timber which is to be
22 cut and removed under a conveyance or contract for sale, the unborn young
23 of animals and growing crops.

24 (i) "Instrument" means a negotiable instrument (defined in NRS
25 104.3104) or any other writing which evidences a right to the payment of
26 money and is not itself a security agreement or lease and is of a type which
27 is in ordinary course of business transferred by delivery with any necessary
28 endorsement or assignment. The term does not include investment property.

29 (j) "Mortgage" means a consensual interest created by a real estate
30 mortgage, a trust deed on real estate or the like.

31 (k) An advance is made "pursuant to commitment" if the secured party
32 has bound himself to make it, whether or not a subsequent event of default
33 or other event not within his control has relieved or may relieve him from
34 his obligation.

35 (l) "Security agreement" means an agreement which creates or provides
36 for a security interest.

37 (m) "Secured party" means a lender, seller or other person in whose
38 favor there is a security interest, including a person to whom accounts or
39 chattel paper have been sold. When the holders of obligations issued under
40 an indenture of trust, equipment trust agreement or the like are represented
41 by a trustee or other person, the representative is the secured party.

1 2. Other definitions applying to this article and the sections in which
2 they appear are:

3
4 “Account.” NRS 104.9106.
5 “Attach.” NRS 104.9203.
6 “Commodity contract.” NRS 104.9115.
7 “Commodity customer.” NRS 104.9115.
8 “Commodity intermediary.” NRS 104.9115.
9 “Construction mortgage.” NRS 104.9313.
10 “Consumer goods.” Subsection 1 of NRS 104.9109.
11 “Control.” NRS 104.9115.
12 “Equipment.” Subsection 2 of NRS 104.9109.
13 “Farm products.” Subsection 3 of NRS 104.9109.
14 “Fixture.” NRS 104.9313.
15 “Fixture filing.” NRS 104.9313.
16 “General intangibles.” NRS 104.9106.
17 “Inventory.” Subsection 4 of NRS 104.9109.
18 “Investment property.” NRS 104.9115.
19 “Lien creditor.” Subsection ~~5~~ 3 of NRS 104.9301.
20 “Proceeds.” Subsection 1 of NRS 104.9306.
21 “Purchase money security interest.” NRS 104.9107.
22 “United States.” NRS 104.9103.

23
24 3. The following definitions in other articles apply to this article:

25
26 “**Broker.**” **NRS 104.8102.**
27 “**Certificated security.**” **NRS 104.8102.**
28 “Check.” NRS 104.3104.
29 “Contract for sale.” NRS 104.2106.
30 “**Delivery.**” **NRS 104.8301.**
31 “**Financial asset.**” **NRS 104.8102.**
32 “Holder in due course.” NRS 104.3302.
33 “Letter of credit.” NRS 104.5102.
34 “Note.” NRS 104.3104.
35 “Proceeds of a letter of credit.” NRS 104.5114.
36 “Sale.” NRS 104.2106.
37 “**Securities intermediary.**” **NRS 104.8102.**
38 “**Security.**” **NRS 104.8102.**
39 “**Security certificate.**” **NRS 104.8102.**
40 “**Security entitlement.**” **NRS 104.8102.**
41 “**Uncertificated security.**” **NRS 104.8102.**

1 4. In addition, article 1 contains general definitions and principles of
2 construction and interpretation applicable throughout this article.

3 **Sec. 3.** NRS 176A.500 is hereby amended to read as follows:

4 176A.500 1. The period of probation or suspension of sentence may
5 be indeterminate or may be fixed by the court and may at any time be
6 extended or terminated by the court, but the period, including any
7 extensions thereof, must not be more than:

8 (a) Three years for a:

9 (1) Gross misdemeanor; or

10 (2) Suspension of sentence pursuant to NRS 453.3363; or

11 (b) Five years for a felony . ~~I, except that for a felony involving a~~
12 ~~violation of the provisions of NRS 484.3795 the period must not be more~~
13 ~~than 10 years.~~

14 2. At any time during probation or suspension of sentence, the court
15 may issue a warrant for violating any of the conditions of probation or
16 suspension of sentence and cause the defendant to be arrested. Except for
17 the purpose of giving a dishonorable discharge from probation, and except
18 as otherwise provided in this subsection, the time during which a warrant
19 for violating any of the conditions of probation is in effect is not part of the
20 period of probation. If the warrant is canceled or probation is reinstated, the
21 court may include any amount of that time as part of the period of
22 probation.

23 3. Any parole and probation officer or any peace officer with power to
24 arrest may arrest a probationer without a warrant, or may deputize any
25 other officer with power to arrest to do so by giving him a written statement
26 setting forth that the probationer has, in the judgment of the parole and
27 probation officer, violated the conditions of probation. Except as otherwise
28 provided in subsection 4, the parole and probation officer, or the peace
29 officer, after making an arrest shall present to the detaining authorities, if
30 any, a statement of the charges against the probationer. The parole and
31 probation officer shall at once notify the court which granted probation of
32 the arrest and detention or residential confinement of the probationer and
33 shall submit a report in writing showing in what manner the probationer has
34 violated the conditions of probation.

35 4. A parole and probation officer or a peace officer may immediately
36 release from custody without any further proceedings any person he arrests
37 without a warrant for violating a condition of probation if the parole and
38 probation officer or peace officer determines that there is no probable cause
39 to believe that the person violated the condition of probation.

40 **Sec. 4.** NRS 201.020 is hereby amended to read as follows:

41 201.020 1. A husband or wife who, without just cause, deserts,
42 willfully neglects or refuses to provide for the support and maintenance of
43 his spouse in destitute or necessitous circumstances, or any parent who

1 without lawful excuse deserts or willfully neglects or refuses to provide for
2 the support and maintenance of his legitimate or illegitimate minor child or
3 children, or any parent who without lawful excuse deserts or willfully
4 neglects or refuses to provide for the support and maintenance of his
5 legitimate or illegitimate child or children who upon arriving at the age of
6 majority are unable to provide themselves with support and maintenance
7 because of infirmity, incompetency or other legal disability contracted
8 before their reaching the age of majority, shall be punished:

9 (a) ~~He~~ **For the first offense, if** the conduct for which the defendant was
10 convicted persisted for less than 6 months, for a misdemeanor or, if such
11 conduct persisted for more than 6 months, for a gross misdemeanor or, if
12 for more than 1 year, for a category C felony by imprisonment in the state
13 prison for a minimum term of not less than 1 year and a maximum term of
14 not more than 5 years, or by a fine of not more than \$5,000, or by both fine
15 and imprisonment.

16 (b) For any subsequent offense for a category C felony as provided in
17 NRS 193.130.

18 2. In addition to other orders which the court may make relative to the
19 defendant's obligation to provide support to his spouse and children, the
20 court may impose an intermittent sentence on a person found guilty of a
21 violation of subsection 1 if it finds that such a sentence would be in the best
22 interest of the defendant's spouse and child or children.

23 **Sec. 5.** NRS 202.350 is hereby amended to read as follows:

24 202.350 1. ~~He~~ **Except as otherwise provided in this section and**
25 **NRS 202.3653 to 202.369, inclusive, it** is unlawful for a person within this
26 state to:

27 (a) Manufacture or cause to be manufactured, or import into the state, or
28 keep, offer or expose for sale, or give, lend or possess any knife which is
29 made an integral part of a belt buckle or any instrument or weapon of the
30 kind commonly known as a switchblade knife, blackjack, slung shot, billy,
31 sand-club, sandbag or metal knuckles; or

32 (b) ~~Except as otherwise provided in subsection 4, carry~~ **Carry**
33 concealed upon his person any:

34 (1) Explosive substance, other than ammunition or any components
35 thereof;

36 (2) Dirk, dagger or machete;

37 (3) Pistol, revolver or other firearm, or other dangerous or deadly
38 weapon; or

39 (4) Knife which is made an integral part of a belt buckle.

40 2. ~~He~~ **Except as otherwise provided in this section, it** is unlawful for a
41 person to possess or use a:

42 (a) Nunchaku or trefoil with the intent to inflict harm upon the person of
43 another;

or

- 1 (b) Machine gun or a silencer.
- 2 3. Except as otherwise provided in NRS 202.275 and 212.185, a
- 3 person who violates any of the provisions of subsection 1 or 2 is guilty:
- 4 (a) For the first offense, of a gross misdemeanor.
- 5 (b) For any subsequent offense, of a category D felony, and shall be
- 6 punished as provided in NRS 193.130.
- 7 4. Except as otherwise provided in this subsection, ~~and NRS~~
- 8 ~~202.3653 to 202.369, inclusive,~~ the sheriff of any county may, upon
- 9 written application by a resident of that county showing the reason or the
- 10 purpose for which a concealed weapon is to be carried, issue a permit
- 11 authorizing the applicant to carry in this state the concealed weapon
- 12 described in the permit. The sheriff shall not issue a permit to a person to
- 13 carry a switchblade knife. ***This subsection does not authorize the sheriff to***
- 14 ***issue a permit to a person to carry a pistol, revolver or other firearm.***
- 15 5. ~~[This]~~ ***Except as otherwise provided in subsection 6, this*** section
- 16 does not apply to:
- 17 (a) Sheriffs, constables, marshals, peace officers, special police officers,
- 18 police officers of this state, whether active or honorably retired, or other
- 19 appointed officers.
- 20 (b) Any person summoned by any peace officer to assist in making
- 21 arrests or preserving the peace while the person so summoned is actually
- 22 engaged in assisting such an officer.
- 23 (c) Any full-time paid peace officer of an agency of the United States or
- 24 another state or political subdivision thereof when carrying out official
- 25 duties in the State of Nevada.
- 26 (d) Members of the Armed Forces of the United States when on duty.
- 27 6. The exemptions provided in subsection 5 do not include a former
- 28 peace officer who is retired for disability unless his former employer has
- 29 approved his fitness to carry a concealed weapon.
- 30 7. The provisions of paragraph (b) of subsection 2 do not apply to any
- 31 person who is licensed, authorized or permitted to possess or use a machine
- 32 gun or silencer pursuant to federal law. The burden of establishing federal
- 33 licensure, authorization or permission is upon the person possessing the
- 34 license, authorization or permission.
- 35 8. As used in this section:
- 36 (a) "Concealed weapon" ~~has the meaning ascribed to it in subsection 1~~
- 37 ~~of NRS 202.3653.~~ ***means a weapon described in this section that is***
- 38 ***carried upon a person in such a manner as not to be discernible by***
- 39 ***ordinary observation.***
- 40 (b) "Honorably retired" means retired in Nevada after completion of 10
- 41 years of creditable service as a member of the public employees' retirement
- 42 system. A former peace officer is not "honorably retired" if he was

1 discharged for cause or resigned before the final disposition of allegations
2 of serious misconduct.

3 (c) "Machine gun" means any weapon which shoots, is designed to
4 shoot or can be readily restored to shoot more than one shot, without
5 manual reloading, by a single function of the trigger.

6 (d) "Nunchaku" means an instrument consisting of two or more sticks,
7 clubs, bars or rods connected by a rope, cord, wire or chain used as a
8 weapon in forms of Oriental combat.

9 (e) "Silencer" means any device for silencing, muffling or diminishing
10 the report of a firearm, including any combination of parts, designed or
11 redesigned, and intended for use in assembling or fabricating a silencer or
12 muffler, and any part intended only for use in such assembly or fabrication.

13 (f) "Switchblade knife" means a spring-blade knife, snap-blade knife or
14 any other knife having the appearance of a pocket knife, any blade of which
15 is 2 or more inches long and which can be released automatically by a flick
16 of a button, pressure on the handle or other mechanical device, or is
17 released by any type of mechanism.

18 (g) "Trefoil" means an instrument consisting of a metal plate having
19 three or more radiating points with sharp edges, designed in the shape of a
20 star, cross or other geometric figure and used as a weapon for throwing.

21 **Sec. 6.** NRS 239.010 is hereby amended to read as follows:

22 239.010 1. All public books and public records of a governmental
23 entity, the contents of which are not otherwise declared by law to be
24 confidential, must be open at all times during office hours to inspection by
25 any person, and may be fully copied or an abstract or memorandum may be
26 prepared from those public books and public records. Any such copies,
27 abstracts or memoranda may be used to supply the general public with
28 copies, abstracts or memoranda of the records or may be used in any other
29 way to the advantage of the governmental entity or of the general public.
30 This section does not supersede or in any manner affect the federal laws
31 governing copyrights or enlarge, diminish or affect in any other manner the
32 rights of a person in any written book or record which is copyrighted
33 pursuant to federal law.

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

36 3. A person may request a copy of a public record in any medium in
37 which the public record is readily available. An officer, employee or agent
38 of a governmental entity who has custody of a public record shall not refuse
39 to provide a copy of that public record in a readily available medium
40 because he has already prepared or would prefer to provide the copy in a
41 different medium.

1 ~~[4.—As used in this section:~~

2 ~~—(a) “Educational foundation” has the meaning ascribed to it in~~
3 ~~subsection 3 of NRS 388.750.~~

4 ~~—(b) “University foundation” has the meaning ascribed to it in subsection~~
5 ~~3 of NRS 396.405.]~~

6 **Sec. 7.** NRS 271.515 is hereby amended to read as follows:

7 271.515 1. Any assessment bonds:

8 (a) Must bear such date or dates;

9 (b) Must mature in such denomination or denominations at such time or
10 times, but in no event commencing later than 1 year nor exceeding 20 years
11 from their date;

12 (c) Must bear interest which may be evidenced by one or two sets of
13 coupons, payable annually or semiannually, except that the first coupon or
14 coupons on any bond may represent interest for any period not in excess of
15 1 year;

16 (d) Must be payable in such medium of payment at such place or places
17 within and without the state, including , but not limited to , the office of the
18 county treasurer; and

19 (e) At the option of the governing body, may be made subject to prior
20 redemption in advance of maturity, in such order or by lot or otherwise, at
21 such time or times, without or with the payment of a premium or premiums
22 not exceeding 9 percent of the principal amount of each bond so
23 redeemed,
24 as provided by ordinance.

25 2. Bonds may be issued with privileges for registration for payment as
26 to principal, or both principal and interest, and where interest accruing on
27 the bonds is not represented by interest coupons, the bonds may provide for
28 the endorsing of payments of interest thereon; and the bonds generally must
29 be issued in such manner, in such form, with such recitals, terms, covenants
30 and conditions, with such provisions for conversion into bonds of other
31 denominations, and with such other details, as may be provided by the
32 governing body in the ordinance or ordinances authorizing the bonds,
33 except as herein otherwise provided.

34 3. Pending preparations of the definitive bonds, interim or temporary
35 bonds, in such form and with such provisions as the governing body may
36 determine, may be issued.

37 4. Except for payment provisions herein expressly provided, the bonds,
38 any interest coupons thereto attached, and such interim or temporary bonds
39 must be fully negotiable within the meaning of and for all the purposes of
40 the ~~[Negotiable Instruments Law]~~ **Uniform Commercial Code—**
41 **Negotiable Instruments** and the Uniform Commercial Code—Investment
42 Securities.

1 5. Notwithstanding any other provisions of law, the governing body, in
2 any proceedings authorizing bonds hereunder, may:

3 (a) Provide for the initial issuance of one or more bonds (in this
4 subsection 5 called "bond") aggregating the amount of the entire issue or
5 any portion thereof.

6 (b) Make such provision for installment payments of the principal
7 amount of any such bond as it may consider desirable.

8 (c) Provide for the making of any such bond payable to bearer or
9 otherwise, registrable as to principal, or as to both principal and interest,
10 and where interest accruing thereon is not represented by interest coupons,
11 for the endorsing of payments of interest on such bond.

12 (d) Make provision in any such proceedings for the manner and
13 circumstances in and under which any such bond may in the future, at the
14 request of the holder thereof, be converted into bonds of larger or smaller
15 denominations, which bonds of larger or smaller denominations may in turn
16 be either coupon bonds or bonds registrable as to principal, or both
17 principal and interest, or either, at the option of the holder.

18 6. Any bonds may be issued hereunder with provisions for their
19 reissuance, and the terms and conditions thereof, whether lost, apparently
20 destroyed, wrongfully taken, or for any other reason, as provided in the
21 Uniform Commercial Code—Investment Securities, or otherwise.

22 7. Any bond must be executed in the name of and on behalf of the
23 municipality and signed by the mayor, chairman, or other presiding officer
24 of the governing body, countersigned by the treasurer of the municipality,
25 with the seal of the municipality affixed thereto and attested by the clerk.

26 8. Except for such bonds which are registrable for payment of interest,
27 interest coupons payable to bearer must be attached to the bonds and bear
28 the original or facsimile signature of the treasurer.

29 9. Any bond may be executed as provided in the Uniform Facsimile
30 Signatures of Public Officials Act . ~~[(and compliance]~~ **Compliance**
31 therewith is not a condition precedent to the execution of any coupon with a
32 facsimile signature . ~~[-]~~

33 10. The bonds and coupons, bearing the signatures of the officers in
34 office at the time of the signing thereof, are the valid and binding
35 obligations of the municipality, notwithstanding that before the delivery
36 thereof and payment therefor, any or all of the persons whose signatures
37 appear thereon have ceased to fill their respective offices.

38 11. Any officer herein authorized or permitted to sign any bond, at the
39 time of its execution and of the execution of a signature certificate, may
40 adopt as and for his own facsimile signature the facsimile signature of his
41 predecessor in office in the event that such facsimile signature appears
42 upon the bond or coupons pertaining thereto, or upon both the bond and
43 such

coupons.

1 **Sec. 8.** NRS 422.2352 is hereby amended to read as follows:
2 422.2352 As used in NRS 422.2352 to 422.2374, inclusive, 422.301 to
3 422.306, inclusive, **and** 422.380 to 422.390, inclusive, ~~and 422.580,~~
4 unless the context otherwise requires, “administrator” means the
5 administrator of the division of health care financing and policy.
6 **Sec. 9.** NRS 459.3816 is hereby amended to read as follows:
7 459.3816 1. The following substances are designated as highly
8 hazardous, if present in the quantity designated after each substance or a
9 greater quantity:

Number Assigned by Chemical	Quantity	
Chemical Name of Substance	Abstract Service(In pounds)	
Acetaldehyde	75-07-0	2500
Acrolein (2-Propenal)	107-02-8	150
Acrylyl Chloride	814-68-6	250
Allyl Chloride	107-05-1	1000
Allylamine	107-11-9	1500
Alkylaluminums.....	None	5000
Ammonia, Anhydrous.....	7664-41-7	5000
Ammonia solutions (44% ammonia by weight).....	7664-41-7	10000
Ammonium Perchlorate.....	7790-98-9	7500
Ammonium Permanganate	7787-36-2	7500
Arsine (also called Arsenic Hydride)	7784-42-1	100
Bis (Chloromethyl) Ether.....	542-88-1	100
Boron Trichloride	10294-34-5	2500
Boron Trifluoride.....	7637-07-2	250
Bromine	7726-95-6	1500
Bromine Chloride	13863-41-7	1500
Bromine Pentafluoride.....	7789-30-2	2500
Bromine Trifluoride.....	7787-71-5	15000
3-Bromopropyne (also called Propargyl Bromide).....	106-96-7	7500
Butyl Hydroperoxide (Tertiary).....	75-91-2	5000
Butyl Perbenzoate (Tertiary).....	614-45-9	7500
Carbonyl Chloride (see Phosgene) ...	75-44-5	100
Carbonyl Fluoride.....	353-50-4	2500
Cellulose Nitrate (concentration 12.6% Nitrogen)	9004-70-0	2500
Chlorine	7782-50-5	1500
Chlorine Dioxide	10049-04-4	1000

1	Chlorine Pentafluoride.....	13637-63-3	1000
2	Chlorine Trifluoride.....	7790-91-2	1000
3	Chlorodiethylaluminum (also called		
4	Diethylaluminum Chloride).....	96-10-6	5000
5	1-Chloro-2,4-Dinitrobenzene.....	97-00-7	5000
6	Chloromethyl Methyl Ether	107-30-2	500
7	Chloropicrin.....	76-06-2	500
8	Chloropicrin and Methyl Bromide mixture		None
9	1500		
10	Chloropicrin and Methyl Chloride mixture		None
11	1500		
12	Cumene Hydroperoxide	80-15-9	5000
13	Cyanogen	460-19-5	2500
14	Cyanogen Chloride	506-77-4	500
15	Cyanuric Fluoride	675-14-9	100
16	Diacetyl Peroxide (concentration 70%)	110-22-5	
17	5000		
18	Diazomethane	334-88-3	500
19	Dibenzoyl Peroxide.....	94-36-0	7500
20	Diborane	19287-45-7	100
21	Dibutyl Peroxide (Tertiary).....	110-05-4	5000
22	Dichloro Acetylene.....	7572-29-4	250
23	Dichlorosilane.....	4109-96-0	2500
24	Diethylzinc.....	557-20-0	10000
25	Diisopropyl Peroxydicarbonate	105-64-6	7500
26	Dilauroyl Peroxide.....	105-74-8	7500
27	Dimethyl Sulfide.....	75-18-3	100
28	Dimethyldichlorosilane.....	75-78-5	1000
29	Dimethylhydrazine, 1.1-	57-14-7	1000
30	Dimethylamine, Anhydrous.....	124-40-3	2500
31	Ethyl Methyl Ketone Peroxide (also Methyl		
32	Ethyl Ketone Peroxide; concentration		
33	60%)	1338-23-4	5000
34	Ethyl Nitrite	109-95-5	5000
35	Ethylamine	75-04-7	7500
36	Ethylene Fluorohydrin	371-62-0	100
37	Ethylene Oxide	75-21-8	5000
38	Ethyleneimine	151-56-4	1000
39	Fluorine.....	7782-41-4	1000
40	Formaldehyde (concentration 90%)..	50-00-0	1000
41	Furan	110-00-9	500
42	Hexafluoroacetone.....	684-16-2	5000
43	Hydrochloric Acid, Anhydrous.....	7647-01-0	5000
44	Hydrofluoric Acid, Anhydrous	7664-39-3	1000
45	Hydrogen Bromide	10035-10-6	5000
46	Hydrogen Chloride	7647-01-0	5000

1	Hydrogen Cyanide, Anhydrous.....	74-90-8	1000
2	Hydrogen Fluoride.....	7664-39-3	1000
3	Hydrogen Peroxide (52% by weight or more)		
4	7722-84-1	7500	
5	Hydrogen Selenide.....	7783-07-5	150
6	Hydrogen Sulfide.....	7783-06-4	1500
7	Hydroxylamine	7803-49-8	2500
8	Iron, Pentacarbonyl-.....	13463-40-6	250
9	Isopropyl Formate.....	625-55-8	500
10	Isopropylamine	75-31-0	5000
11	Ketene	463-51-4	100
12	Methacrylaldehyde.....	78-85-3	1000
13	Methacryloyl Chloride	920-46-7	150
14	Methacryloyloxyethyl Isocyanate	30674-80-7	100
15	Methyl Acrylonitrile	126-98-7	250
16	Methylamine, Anhydrous	74-89-5	1000
17	Methyl Bromide	74-83-9	2500
18	Methyl Chloride	74-87-3	15000
19	Methyl Chloroformate	79-22-1	500
20	Methyl Disulfide	624-92-0	100
21	Methyl Ethyl Ketone Peroxide		
22	[(concentration)] (also Ethyl Methyl		
23	Ketone Peroxide; concentration		
24	60%)	1338-23-4	5000
25	Methyl Fluoroacetate	453-18-9	100
26	Methyl Fluorosulfate	421-20-5	100
27	Methyl Hydrazine	60-34-4	100
28	Methyl Iodide.....	74-88-4	7500
29	Methyl Isocyanate.....	624-83-9	250
30	Methyl Mercaptan.....	74-93-1	5000
31	Methyl Vinyl Ketone	78-94-4	100
32	Methyltrichlorosilane.....	75-79-6	500
33	Nickel Carbonyl (Nickel Tetracarbonyl)	13463-39-3	
34	150		
35	Nitric Acid (94.5% by weight or greater)	7697-37-2	
36	500		
37	Nitric Oxide	10102-43-9	250
38	Nitroaniline (para Nitroaniline)	100-01-6	5000
39	Nitromethane	75-52-5	2500
40	Nitrogen Dioxide	10102-44-0	250
41	Nitrogen Oxides (NO; NO ₂ ; N ₂ O ₄ ; N ₂ O ₃)		
42	10102-44-0	250	
43	Nitrogen Tetroxide (also called Nitrogen		
44	Peroxide)	10544-72-6	250
45	Nitrogen Trifluoride	7783-54-2	5000
46	Nitrogen Trioxide	10544-73-7	250

1	Oleum (65% or greater by weight of sulfur	
2	trioxide; also called Fuming Sulfuric Acid)	8014-95-7
3	1000	
4	Osmium Tetroxide	20816-12-0 100
5	Oxygen Difluoride (Fluorine Monoxide)	7783-41-7
6	100	
7	Ozone	10028-15-6 100
8	Pentaborane.....	19624-22-7 100
9	Peracetic Acid (also called Peroxyacetic	
10	Acid).....	79-21-0 5000
11	Perchloric Acid (concentration 60%)	7601-90-3 5000
12	Perchloromethyl Mercaptan.....	594-42-3 150
13	Perchloryl Fluoride	7616-94-6 5000
14	Peroxyacetic Acid (concentration 60%; also	
15	called Peracetic Acid).....	79-21-0 5000
16	Phosgene (also called Carbonyl Chloride)	75-44-5
17	100	
18	Phosphine (Hydrogen Phosphide)	7803-51-2 100
19	Phosphorus Oxychloride (also called	
20	Phosphoryl Chloride).....	10025-87-3 1000
21	Phosphorus Trichloride.....	7719-12-2 1000
22	Phosphoryl Chloride (also called Phosphorus	
23	Oxychloride).....	10025-87-3 1000
24	Propargyl Bromide (<i>also called</i>	
25	<i>3-Bromopropyne</i>).....	106-96-7 7500
26	Propyl Nitrate.....	627-13-4 2500
27	Sarin 107-44-8	100
28	Selenium Hexafluoride	7783-79-1 1000
29	Stibine (Antimony Hydride)	7803-52-3 500
30	Sulfur Dioxide (liquid)	7446-09-5 1000
31	Sulfur Pentafluoride.....	5714-22-7 250
32	Sulfur Tetrafluoride	7783-60-0 250
33	Sulfur Trioxide (also called Sulfuric	
34	Anhydride).....	7446-11-9 1000
35	Sulfuric Anhydride (also called Sulfur	
36	Trioxide).....	7446-11-9 1000
37	Tellurium Hexafluoride	7783-80-4 250
38	Tetrafluoroethylene.....	116-14-3 5000
39	Tetrafluorohydrazine	10036-47-2 5000
40	Tetramethyl Lead	75-74-1 7500
41	Thionyl Chloride.....	7719-09-7 250
42	Titanium Tetrachloride	7550-45-0 2500
43	Trichloro(chloromethyl) Silane	1558-25-4 100
44	Trichloro(dichlorophenyl) Silane	27137-85-5 2500
45	Trichlorosilane	10025-78-2 5000

1	Trifluorochloroethylene	79-38-9	10000
2	Trimethoxysilane	2487-90-3	1500

3
4 2. The division, in consultation with the health districts created
5 pursuant to NRS 439.370, the health division of the department of human
6 resources and the division of industrial relations of the department of
7 business and industry, shall regularly examine the sources of information
8 available to it with regard to potentially highly hazardous substances. The
9 division shall, by regulation, add to the list of highly hazardous substances
10 any chemical that is identified as being used, manufactured, stored, or
11 capable of being produced, at a facility, in sufficient quantities at a single
12 site, that its release into the environment would produce a significant
13 likelihood that persons exposed would suffer death or substantial bodily
14 harm as a consequence of the exposure.

15 **Sec. 10.** NRS 482.181 is hereby amended to read as follows:

16 482.181 1. Except as otherwise provided in subsection 4, the
17 department shall certify monthly to the state board of examiners the amount
18 of the basic and supplemental privilege taxes collected for each county by
19 the department and its agents during the preceding month, and that money
20 must be distributed monthly as provided in this section.

21 2. Any supplemental privilege tax collected for a county must be
22 distributed only to the county, to be used as provided in NRS 371.045 and
23 371.047.

24 3. The distribution of the basic privilege tax within a county must be
25 made to local governments, special districts and enterprise districts
26 pursuant to the provisions of NRS 360.680 and 360.690. The distribution
27 of the basic privilege tax must be made to the county school district within
28 the county before the distribution of the basic privilege tax pursuant to the
29 provisions of NRS 360.680 and 360.690 and in the same ratio as all
30 property taxes were levied in the county in the previous fiscal year, but the
31 State of Nevada is not entitled to share in that distribution. For the purpose
32 of calculating the amount of basic privilege tax to be distributed to the
33 county school district, the taxes levied by each local government, special
34 district and enterprise district are the product of its certified valuation,
35 determined pursuant to subsection 2 of NRS 361.405, and its tax rate,
36 established pursuant to NRS 361.455 for the fiscal year beginning on July
37 1, 1980, except that the tax rate for school districts, including the rate
38 attributable to a district's debt service, is the rate established pursuant to
39 NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate
40 attributable to a district's debt service in any fiscal year is greater than its
41 rate for the fiscal year beginning on July 1, 1978, the higher rate must be
42 used to determine the amount attributable to debt service.

4. An amount equal to any basic privilege tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency ~~for area~~ as long as it exists but must not be increased.

5. The department shall make distributions of basic privilege tax directly to county school districts.

6. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 11. NRS 483.495 is hereby amended to read as follows:

483.495 The department shall by regulation:

1. Except as otherwise provided in paragraph (h) of subsection 1 of NRS 62.211, ~~subsection 7 of NRS 62.224,~~ and NRS 62.2263 and 62.227, set forth any tests and other requirements which are a condition for the reinstatement of a license after any suspension, revocation, cancellation or voluntary surrender of the license. The tests and requirements:

(a) Must provide for a fair evaluation of a person's ability to operate a motor vehicle; and

(b) May allow for the waiver of certain tests or requirements as the department deems necessary.

2. Set forth the circumstances under which the administrator may, for good cause shown, rescind the revocation, suspension or cancellation of a license, or shorten the period for the suspension of a license.

Sec. 12. NRS 581.500 is hereby amended to read as follows:

581.500 1. The ~~council,~~ *advisory council on the metric system*, consisting of seven members appointed by the governor, is hereby created within the division of agriculture of the department of business and industry.

2. The governor shall appoint:

(a) One member from business.

(b) One member from the engineering profession.

(c) One member from a trade organization.

(d) One member from industry.

(e) One member from a labor organization.

(f) One member from the faculty of a university in the University and Community College System of Nevada.

(g) One member from the faculty of a public elementary or secondary school.

Sec. 13. NRS 612.090 is hereby amended to read as follows:

612.090 1. "Employment" includes agricultural labor if:

(a) The services are performed in the employ of a person who:

1 (1) Paid cash wages of \$20,000 or more during any calendar quarter
2 of the current calendar year or preceding calendar year to persons
3 employed in agricultural labor; or

4 (2) Employed 10 or more persons in agricultural labor some portion
5 of the day for at least 20 days, each day being in a different calendar week,
6 during the current calendar year or preceding calendar year whether or not
7 the weeks were consecutive or the persons were employed at the same
8 moment of time; and

9 (b) The services are performed:

10 (1) On a farm, in the employ of any person, in connection with
11 cultivating the soil, or in connection with raising or harvesting any
12 agricultural or horticultural commodity, including the raising, shearing,
13 feeding, caring for, training and management of livestock, bees, poultry and
14 fur-bearing animals and wildlife.

15 (2) In the employ of the owner or tenant or other operator of a farm,
16 in connection with the operation, management, conservation, improvement
17 or maintenance of the farm and its tools and equipment, or in salvaging
18 timber or clearing land of brush and other debris left by a hurricane, if the
19 major part of the service is performed on a farm.

20 (3) In connection with the production or harvesting of any commodity
21 defined as an agricultural commodity in section 15(g) of the Agricultural
22 Marketing Act, 12 U.S.C. § 1141j, or in connection with the ginning of
23 cotton, or in connection with the operation or maintenance of ditches,
24 canals, reservoirs or waterways, not owned or operated for profit, used
25 exclusively for supplying and storing water for farming purposes.

26 (4) ~~Has~~ **Except as otherwise provided in subsection 2, in** the employ
27 of the operator of a farm in handling, planting, drying, packing, packaging,
28 processing, freezing, grading, storing or delivering to storage or to market,
29 or to a carrier for transportation to market, in its unmanufactured state, any
30 agricultural or horticultural commodity, but only if the operator produced
31 more than one-half of the commodity with respect to which such service is
32 performed.

33 (5) ~~Has~~ **Except as otherwise provided in subsection 2, in** the employ
34 of a group of operators of farms, or a cooperative organization of which
35 such operators are members, in the performance of service described in
36 subparagraph (4), but only if such operators produced more than one-half
37 of the commodity with respect to which such service is performed.

38 ~~The provisions of subparagraphs (4) and (5) do not apply to service~~
39 ~~performed in connection with commercial canning or commercial freezing~~
40 ~~or in connection with any agricultural or horticultural commodity after its~~
41 ~~delivery to a terminal market for distribution for consumption.]~~

42 (6) On a farm operated for profit although the service is not in the
43 course of the employer's trade or business.

1 2. *The provisions of subparagraphs (4) and (5) of paragraph (b) of*
2 *subsection 1 do not apply to service performed in connection with*
3 *commercial canning or commercial freezing or in connection with any*
4 *agricultural or horticultural commodity after its delivery to a terminal*
5 *market for distribution for consumption.*

6 3. As used in this section, the term “farm” includes stock, dairy,
7 poultry, fruit, fur-bearing animal and truck farms, plantations, ranches,
8 nurseries, ranges, greenhouses or other similar structures used primarily for
9 raising agricultural or horticultural commodities, and orchards.

10 ~~13.1~~ 4. The provisions of this section do not apply to services
11 performed before January 1, 1980, by an alien admitted to the United States
12 to perform agricultural labor pursuant to sections 214(c) and 101(a)(15)(H)
13 of the Immigration and Nationality Act, 8 U.S.C. §§ 1184(c) and
14 1101(a)(15)(H) respectively.

15 **Sec. 14.** Chapter 645D of NRS is hereby amended by adding thereto
16 the provisions set forth as sections 15 and 16 of this act.

17 **Sec. 15. 1.** *A person who applies for the issuance or renewal of a*
18 *certificate shall submit to the administrator the statement prescribed by*
19 *the welfare division of the department of human resources pursuant to*
20 *NRS 425.520. The statement must be completed and signed by the*
21 *applicant.*

22 2. *The administrator shall include the statement required pursuant to*
23 *subsection 1 in:*

24 (a) *The application or any other forms that must be submitted for the*
25 *issuance or renewal of the certificate; or*

26 (b) *A separate form prescribed by the administrator.*

27 3. *A certificate may not be issued or renewed by the administrator if*
28 *the applicant:*

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

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

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

1 **Sec. 16. 1.** *If the administrator receives a copy of a court order*
2 *issued pursuant to NRS 425.540 that provides for the suspension of all*
3 *professional, occupational and recreational licenses, certificates and*
4 *permits issued to a certified inspector, the administrator shall deem the*
5 *certificate issued to that person to be suspended at the end of the 30th*
6 *day after the date on which the court order was issued unless the*
7 *administrator receives a letter issued to the certified inspector by the*
8 *district attorney or other public agency pursuant to NRS 425.550 stating*
9 *that the certified inspector has complied with the subpoena or warrant or*
10 *has satisfied the arrearage pursuant to NRS 425.560.*

11 **2.** *The administrator shall reinstate a certificate that has been*
12 *suspended by a district court pursuant to NRS 425.540 if the*
13 *administrator receives a letter issued by the district attorney or other*
14 *public agency pursuant to NRS 425.550 to the person whose certificate*
15 *was suspended stating that the person whose certificate was suspended*
16 *has complied with the subpoena or warrant or has satisfied the arrearage*
17 *pursuant to NRS 425.560.*

18 **Sec. 17.** NRS 645D.170 is hereby amended to read as follows:

19 645D.170 An application for a certificate must be in writing upon a
20 form prepared and furnished by the division. The application must include
21 the following information:

22 1. The name, age, ~~and~~ address *and social security number* of the
23 applicant.

24 2. The place or places, including the street number, city and county, at
25 which the applicant intends to maintain an office to conduct business as an
26 inspector.

27 3. The business, occupation or other employment of the applicant
28 during the 5 years immediately preceding the date of the application, and
29 the location thereof.

30 4. The applicant's education and experience to qualify for a certificate.

31 5. Whether the applicant has ever been convicted of, is under
32 indictment for, or has entered a plea of guilty or nolo contendere to:

33 (a) A felony, and if so, the nature of the felony.

34 (b) Forgery, embezzlement, obtaining money under false pretenses,
35 larceny, extortion, conspiracy to defraud or any crime involving moral
36 turpitude.

37 6. If the applicant is a member of a partnership or association or is an
38 officer of a corporation, the name and address of the principal office of the
39 partnership, association or corporation.

40 7. Any other information relating to the qualifications or background of
41 the applicant that the division requires.

1 **Sec. 18.** NRS 645D.200 is hereby amended to read as follows:

2 645D.200 1. The administrator shall issue a certificate to any person
3 who:

4 (a) Is of good moral character, honesty and integrity;

5 (b) Has the education and experience prescribed in the regulations
6 adopted pursuant to NRS 645D.120; ~~and~~

7 (c) Has submitted proof that he or his employer holds a policy of
8 insurance that complies with the requirements of subsection 1 of NRS
9 645D.190 ~~and~~; *and*

10 *(d) Has submitted the statement required pursuant to section 15 of*
11 *this act.*

12 2. The administrator may deny an application for a certificate to any
13 person who:

14 (a) Has been convicted of, or entered a plea of guilty or nolo contendere
15 to, forgery, embezzlement, obtaining money under false pretenses, larceny,
16 extortion, conspiracy to defraud or any crime involving moral turpitude;

17 (b) Makes a false statement of a material fact on his application;

18 (c) Has had a certificate suspended or revoked pursuant to this chapter
19 within the 10 years immediately preceding the date of his application; or

20 (d) Has not submitted proof that he or his employer holds a policy of
21 insurance that complies with the requirements of subsection 1 of NRS
22 645D.190.

23 **Sec. 19.** The amendatory provisions of sections 15 to 18, inclusive, of
24 this act expire by limitation on the date on which the provisions of 42
25 U.S.C. § 666 requiring each state to establish procedures under which the
26 state has authority to withhold or suspend, or to restrict the use of
27 professional, occupational and recreational licenses of persons who:

28 1. Have failed to comply with a subpoena or warrant relating to a
29 proceeding to determine the paternity of a child or to establish or enforce
30 an obligation for the support of a child; or

31 2. Are in arrears in the payment for the support of one or more
32 children,

33 are repealed by the Congress of the United States.

34 **Sec. 20.** This act becomes effective upon passage and approval.