

SENATE BILL NO. 453—COMMITTEE ON JUDICIARY

(ON BEHALF OF LEGISLATIVE COMMISSION)

MARCH 17, 1999

Referred to Committee on Judiciary

SUMMARY—Ratifies technical corrections made to NRS and Statutes of Nevada. (BDR S-815)

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 statutes; ratifying technical corrections made to sections of NRS and to multiple amendments of sections of NRS; correcting the effective date of, correcting certain provisions in and repealing certain provisions in Statutes of Nevada; and providing other matters properly relating thereto.

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

Section 1. 1. Sections 54 and 71 of chapter 245, Statutes of Nevada 1991, at pages 543 and 551, respectively, are hereby amended to read respectively as follows:

Sec. 54. This chapter does not apply to common-interest communities or units located outside this state, but the provisions governing public offering statements (sections ~~106 to 113,~~ **109 to 116**, inclusive, of this act) apply to all contracts for the disposition thereof signed in this state by any party unless exempt under subsection 2 of section 108 of this act.

Sec. 71. 1. Except in cases of amendments that may be executed by a declarant under **subsection 6 of** section 63 **of this act** or **section** 64 of this act , or by the association under section 40 ~~for~~ **60,** **of this act, subsection 4 of section 60** of this act, subsection 3 of section 62 ~~of this act,~~ **subsection 1 of section 66 of this act** or section 67 of this act, or by certain units' owners under subsection 2 of section 62 ~~of this act,~~ **subsection 1 of section 66 of this act,**

1 *subsection 2 of section 67 of this act* or *subsection 2 of section* 72
2 of this act, and except as limited by subsection 4, the declaration,
3 including any plats and plans, may be amended only by vote or
4 agreement of units' owners of units to which at least a majority of
5 the votes in the association are allocated, or any larger majority the
6 declaration specifies. The declaration may specify a smaller number
7 only if all of the units are restricted exclusively to nonresidential
8 use.

9 2. No action to challenge the validity of an amendment adopted
10 by the association pursuant to this section may be brought more
11 than 1 year after the amendment is recorded.

12 3. Every amendment to the declaration must be recorded in
13 every county in which any portion of the common-interest
14 community is located and is effective only upon recordation. An
15 amendment, except an amendment pursuant to section 66 of this act,
16 must be indexed in the grantee's index in the name of the common-
17 interest community and the association and in the grantor's index in
18 the name of the parties executing the amendment.

19 4. Except to the extent expressly permitted or required by other
20 provisions of this chapter, no amendment may create or increase
21 special declarant's rights, increase the number of units, change the
22 boundaries of any unit, change the allocated interests of a unit or
23 change the uses to which any unit is restricted, in the absence of
24 unanimous consent of the units' owners affected and the consent of
25 a majority of the owners of the remaining units.

26 5. Amendments to the declaration required by this chapter to be
27 recorded by the association must be prepared, executed, recorded
28 and certified on behalf of the association by any officer of the
29 association designated for that purpose or, in the absence of
30 designation, by the president of the association.

31 2. Chapter 245, Statutes of Nevada 1991, at page 587, is hereby
32 amended by adding thereto a new section to be designated as section 140.7,
33 immediately following section 140.5, to read as follows:

34 Sec. 140.7. Section 25 of chapter 573, Statutes of Nevada
35 1993, at page 2362, is hereby amended to read as follows:

36 Sec. 25. NRS 116.2117 is hereby amended to read as
37 follows:

38 116.2117 1. Except in cases of amendments that may be
39 executed by a declarant under subsection 6 of NRS 116.2109 or
40 NRS 116.211, or by the association under NRS 116.1107,
41 subsection 4 of NRS 116.2106, subsection 3 of NRS 116.2108,
42 subsection 1 of NRS 116.2112 or NRS 116.2113, or by certain
43 units' owners under subsection 2 of NRS 116.2108, subsection 1

1 of NRS 116.2112, subsection 2 of NRS 116.2113 or subsection 2
2 of NRS 116.2118, and except as limited by subsection 4, the
3 declaration, including any plats and plans, may be amended only
4 by vote or agreement of units' owners of units to which at least a
5 majority of the votes in the association are allocated, or any
6 larger majority the declaration specifies. The declaration may
7 specify a smaller number only if all of the units are restricted
8 exclusively to nonresidential use.

9 2. No action to challenge the validity of an amendment
10 adopted by the association pursuant to this section may be
11 brought more than 1 year after the amendment is recorded.

12 3. Every amendment to the declaration must be recorded in
13 every county in which any portion of the common-interest
14 community is located and is effective only upon recordation. An
15 amendment, except an amendment pursuant to NRS 116.2112,
16 must be indexed in the grantee's index in the name of the
17 common-interest community and the association and in the
18 grantor's index in the name of the parties executing the
19 amendment.

20 4. Except to the extent expressly permitted or required by
21 other provisions of this chapter, no amendment may ~~create or~~
22 ~~increase special declarant's rights, increase the number of units,~~
23 change the boundaries of any unit, ~~change~~ the allocated
24 interests of a unit or ~~change~~ the uses to which any unit is
25 restricted, in the absence of unanimous consent of the units'
26 owners affected and the consent of a majority of the owners of
27 the remaining units.

28 5. Amendments to the declaration required by this chapter to
29 be recorded by the association must be prepared, executed,
30 recorded and certified on behalf of the association by any officer
31 of the association designated for that purpose or, in the absence
32 of designation, by the president of the association.

33 **Sec. 2.** Section 8 of chapter 9, Statutes of Nevada 1997, at page 9, is
34 hereby amended to read as follows:

35 Sec. 8. NRS 205.380 is hereby amended to read as follows:

36 205.380 1. A person who knowingly and designedly by any
37 false pretense obtains from any other person any chose in action,
38 money, goods, wares, chattels, effects or other valuable thing,
39 including rent or the labor of another person not his employee, with
40 the intent to cheat or defraud the other person, is a cheat, and,
41 unless otherwise prescribed by law, shall be punished:

42 (a) If the value of the thing or labor fraudulently obtained was
43 \$250 or more, for a category B felony by imprisonment in the state

1 prison for a minimum term of not less than 1 year and a maximum
2 term of not more than 6 years, or by a fine of not more than
3 \$10,000, or by both fine and imprisonment. In addition to any other
4 penalty, the court shall order the person to pay restitution.

5 (b) If the value of the thing or labor fraudulently obtained was
6 less than \$250, for a misdemeanor, and must be sentenced to restore
7 the property fraudulently obtained, if it can be done, or tender
8 payment for rent or labor.

9 2. For the purposes of this section, it is prima facie evidence of
10 an intent to defraud if the drawer of a check or other instrument
11 given in payment for:

12 (a) Property which can be returned in the same condition in
13 which it was originally received;

14 (b) Rent; or

15 (c) Labor performed in a workmanlike manner whenever a
16 written estimate was furnished before the labor was performed and
17 the actual cost of the labor does not exceed the estimate,
18 stops payment on that instrument and fails to return or offer to
19 return the property in that condition, or to specify in what way the
20 labor was deficient within 5 days after receiving notice from the
21 payee that the instrument has not been paid by the drawee.

22 3. The notice must be sent to the drawer by certified mail,
23 return receipt requested, at the address shown on the instrument.
24 The notice must include a statement of the penalties set forth in this
25 section. Return of the notice because of nondelivery to the drawer
26 raises a rebuttable presumption of the intent to defraud.

27 4. A notice in boldface type clearly legible and in substantially
28 the following form must be posted in a conspicuous place in every
29 principal and branch office of every bank and in every place of
30 business in which retail selling is conducted or labor is performed
31 for the public and must be furnished in written form by a landlord to
32 a tenant:

33
34 The stopping of payment on a check or other instrument
35 given in payment for property which can be returned in the
36 same condition in which it was originally received, rent or
37 labor which was completed in a workmanlike manner, and the
38 failure to return or offer to return the property in that condition
39 or to specify in what way the labor was deficient within 5 days
40 after receiving notice of nonpayment is punishable:

41 1. If the value of the property, rent or labor fraudulently
42 obtained was \$250 or more, *as a category B felony* by
43 imprisonment in the state prison for *a minimum term of* not

1 less than 1 year ~~nor~~ *and a maximum term of not* more than
2 ~~10~~ 6 years, or by a fine of not more than \$10,000, or by both
3 fine and imprisonment.

4 2. If the value of the property, rent or labor so fraudulently
5 obtained was less than \$250, *as a misdemeanor* by
6 imprisonment in the county jail for not more than 6 months, or
7 by a fine of not more than \$1,000, or by both fine and
8 imprisonment.

9
10 The notice must be prepared and copies thereof supplied on demand
11 by the superintendent of the state printing ~~and micrographics~~
12 division of the department of administration, who may charge a fee
13 based on the cost for each copy of the notice supplied to any
14 person.

15 **Sec. 3.** Section 1 of chapter 21, Statutes of Nevada 1997, at page 58,
16 is hereby amended to read as follows:

17 Section 1. NRS 277.185 is hereby amended to read as follows:

18 277.185 1. The agencies of this state, and the local
19 governments within this state, that collect taxes or fees from persons
20 engaged in business, or require such persons to provide related
21 information and forms, shall coordinate their collection of
22 information and forms so that each enterprise is required to furnish
23 information in as few separate reports as possible. This section
24 applies specifically, but is not limited, to the department of taxation,
25 the employment security division of the department of employment,
26 training and rehabilitation, the state department of conservation and
27 natural resources, the state industrial insurance system, and the
28 counties and cities that require a business license.

29 2. On or before October 1 of each year, the executive director
30 of the department of taxation shall convene the heads, or persons
31 designated by the respective heads, of the state agencies named in
32 subsection 1 and the appropriate officers of the cities and counties
33 that require a business license. The secretary of state, a
34 representative of the Nevada Association of Counties and a
35 representative of the Nevada League of Cities must be invited to
36 attend the meeting. If he knows, or is made aware by persuasive
37 information furnished by any enterprise required to pay a tax or fee
38 or to provide information, that any other state or local agency needs
39 to participate to accomplish the purpose set forth in subsection 1, he
40 shall also invite the head of that agency or the appropriate officer of
41 the local government, and the person so invited shall attend. The

1 director of the department of information technology shall assist in
2 effecting the consolidation of the information and the creation of the
3 forms.

4 3. The persons so assembled shall design and modify, as
5 appropriate, the necessary joint forms for use during the ensuing
6 fiscal year to accomplish the purpose set forth in subsection 1. If
7 any dispute cannot be resolved by the participants, it must be
8 referred to the Nevada tax commission for a decision that is binding
9 on all parties.

10 4. *On or before February 15 of each year, the executive*
11 *director of the department of taxation shall submit a report to the*
12 *director of the legislative counsel bureau for presentation to the*
13 *legislature. The report must include a summary of the annual*
14 *meeting held during the immediately preceding year and any*
15 *recommendations for proposed legislation.*

16 5. *The provisions of chapter 241 of NRS apply to a meeting*
17 *held pursuant to this section. The executive director of the*
18 *department of taxation shall provide members of the staff of the*
19 *department of taxation to assist in complying with the*
20 *requirements of chapter 241 of NRS.*

21 **Sec. 4.** 1. Section 28 of chapter 66, Statutes of Nevada 1997, at page
22 129, is hereby amended to read as follows:

23 Sec. 28. 1. This *section and sections 1 to 27, inclusive, of*
24 *this act* ~~becomes~~ *become* effective upon passage and approval.

25 2. *Section 27.1 of this act becomes effective on June 27, 1997.*

26 2. Chapter 66, Statutes of Nevada 1997, at page 129, is hereby
27 amended by adding thereto a new section to be designated as section 27.1,
28 immediately following section 27, to read as follows:

29 Sec. 27.1. Section 17.3 of chapter 587, Statutes of Nevada
30 1995, at page 2124, is hereby amended to read as follows:

31 Sec. 17.3. 1. *There is hereby established as a special*
32 *revenue fund in the state treasury the subsequent injury fund*
33 *for private carriers, which may be used only to make payments*
34 *in accordance with the provisions of sections 17.5 and 17.7 of*
35 *this act. The administrator shall administer the fund.*

36 2. *All assessments, penalties, bonds, securities and all other*
37 *properties received, collected or acquired by the administrator*
38 *for the subsequent injury fund for private carriers must be*
39 *delivered to the custody of the state treasurer.*

40 3. *All money and securities in the fund must be held by the*
41 *state treasurer as custodian thereof to be used solely for*
42 *workers' compensation for employees whose employers are*
43 *insured by private carriers.*

1 4. *The state treasurer may disburse money from the fund*
2 *only upon written order of the state controller.*

3 5. *The state treasurer shall invest money of the fund in the*
4 *same manner and in the same securities in which he is*
5 *authorized to invest state general funds which are in his*
6 *custody. Income realized from the investment of the assets of*
7 *the fund must be credited to the fund.*

8 6. *The administrator shall adopt regulations for the*
9 *establishment and administration of assessment rates,*
10 *payments and penalties. Assessment rates must reflect the*
11 *relative hazard of the employments covered by private carriers*
12 *and must be based upon expected annual expenditures for*
13 *claims for payments from the subsequent injury fund for*
14 *private carriers. The system must not be required to pay any*
15 *assessments, payments or penalties into the subsequent injury*
16 *fund for private carriers, or any costs associated with the fund.*

17 7. *The commissioner shall assign an actuary to review the*
18 *establishment of assessment rates. The rates must be filed with*
19 *the commissioner 30 days before their effective date. Any*
20 *private carrier who wishes to appeal the rate so filed must do so*
21 *pursuant to NRS 679B.310.*

22 **Sec. 5.** Section 18 of chapter 106, Statutes of Nevada 1997, at page
23 208, is hereby amended to read as follows:

24 Sec. 18. Section 1 of Assembly Bill No. 105 of this session is
25 hereby amended to read as follows:

26 Section 1. Chapter 623 of NRS is hereby amended by
27 adding thereto a new section to read as follows:

28 The board may, by regulation, require each architect,
29 *registered* interior designer or residential designer who holds a
30 certificate of registration pursuant to the provisions of this
31 chapter to complete not more than 12 hours per year of
32 continuing education as a condition to the renewal of his
33 certificate.

34 **Sec. 6.** Sections 1, 2 and 4 of chapter 133, Statutes of Nevada 1997, at
35 pages 285, 286 and 287, respectively, are hereby amended to read
36 respectively as follows:

37 Section 1. Section 53 of chapter 580, Statutes of Nevada 1995,
38 at page 2010, is hereby amended to read as follows:

39 Sec. 53. NRS 616A.465 is hereby amended to read as
40 follows:

41 616A.465 1. Except as otherwise provided in this section,
42 the division shall ~~regulate insurers under~~ :

1 *(a) Regulate insurers pursuant to* chapters 616A to 617,
2 inclusive, of NRS ~~[and investigate]~~ ; and

3 *(b) Investigate* insurers regarding compliance with statutes
4 and the division's regulations.

5 2. The commissioner is responsible for reviewing rates,
6 investigating the solvency of insurers , *authorizing private*
7 *carriers pursuant to chapter 680A of NRS* and certifying ~~{self-~~
8 ~~insured employers, associations of self-insured public or private~~
9 ~~employers and third-party administrators}~~ :

10 *(a) Self-insured employers* pursuant to NRS 616B.300 to
11 616B.330, inclusive, and 616B.336 ~~[H]~~ ;

12 *(b) Associations of self-insured public or private employers*
13 *pursuant to NRS* 616B.350 to 616B.446, inclusive ; ~~[H]~~ and

14 *(c) Third-party administrators pursuant to* chapter 683A of
15 NRS.

16 3. The department of administration is responsible for
17 contested claims relating to ~~{workers' compensation}~~ *industrial*
18 *insurance* pursuant to NRS 616C.310 to 616C.385, inclusive.
19 The ~~{system}~~ *administrator* is responsible for administrative
20 appeals pursuant to NRS 616B.215.

21 4. The Nevada attorney for injured workers is responsible for
22 legal representation of claimants pursuant to NRS 616A.435 to
23 616A.460, inclusive, and 616D.120.

24 5. The division is responsible for the investigation of
25 complaints. If a complaint is filed with the division, the
26 administrator shall cause to be conducted an investigation which
27 includes a review of relevant records and interviews of affected
28 persons. If the administrator determines that a violation may have
29 occurred, the administrator shall proceed in accordance with the
30 provisions of NRS 616D.120 and 616D.130.

31 Sec. 2. Section 14 of chapter 580, Statutes of Nevada 1995, at
32 page 2001, is hereby amended to read as follows:

33 Sec. 14. *1. Before a private carrier may provide*
34 *industrial insurance pursuant to chapters 616A to 617,*
35 *inclusive, of NRS, the private carrier must be authorized by the*
36 *commissioner pursuant to chapter 680A of NRS and maintain*
37 *such security of the kind described in NRS 680A.120 and*
38 *680A.140 as may be required.*

39 *2. A private carrier shall not provide industrial insurance*
40 *pursuant to chapters 616A to 617, inclusive, of NRS as an*
41 *unauthorized insurer pursuant to subsection 9 of NRS*
42 *680A.070.*

1 Sec. 4. *1. This section and sections 1 and 2 of this act*
2 *become effective on October 1, 1997.*

3 *2. Section 3 of this* act becomes effective ~~[at 12:01 a.m.]~~ on
4 July 1, 1999.

5 **Sec. 7.** Chapter 143, Statutes of Nevada 1997, at page 324, is hereby
6 amended by adding thereto a new section to be designated as section 15,
7 immediately following section 14, to read as follows:

8 Sec. 15. NRS 706.541 is hereby amended to read as follows:

9 706.541 1. Any person who elects to purchase a temporary
10 permit pursuant to NRS 706.521 in lieu of causing a vehicle to be
11 licensed pursuant to the provisions of NRS ~~[366.220,]~~ 482.482 or
12 706.481 shall secure a permit from a vendor authorized to issue
13 those permits pursuant to NRS 481.051.

14 2. If the person will not pass a vendor along his scheduled
15 route, he shall secure the permit:

16 (a) Before entering this state; or

17 (b) From the nearest available vendor to his point of entry into
18 this state.

19 3. If the person will pass a vendor along his scheduled route, he
20 shall secure the permit from the first vendor located along that
21 route.

22 **Sec. 8.** Section 18 of chapter 150, Statutes of Nevada 1997, at page
23 344, is hereby amended to read as follows:

24 Sec. 18. NRS 205.275 is hereby amended to read as follows:

25 205.275 1. A person ~~[who,]~~ *commits an offense involving*
26 *stolen property if the person,* for his own gain ~~[]~~ or to prevent the
27 owner from again possessing his property, buys, receives, possesses
28 or withholds ~~[stolen goods, or anything the stealing of which is~~
29 ~~declared to be larceny, or property obtained by robbery, burglary or~~
30 ~~embezzlement:]~~ *property:*

31 (a) Knowing that ~~[the goods or property were so obtained; or]~~ *it*
32 *is stolen property; or*

33 (b) Under such circumstances as should have caused a
34 reasonable person to know that ~~[the goods or property were so~~
35 ~~obtained,~~
36 ~~is guilty of a category B felony and shall be punished by~~
37 ~~imprisonment in the state prison for a minimum term of not less~~
38 ~~than 1 year and a maximum term of not more than 10 years, or by a~~
39 ~~fine of not more than \$10,000, or by both fine and imprisonment.~~
40 ~~Every such person may be tried, convicted and punished as well~~
41 ~~before as after the trial of the principal.]~~ *it is stolen property.*

42 *2. A person who commits an offense involving stolen property*
43 *in violation of subsection 1:*

1 (a) *If the value of the property is less than \$250, is guilty of a*
2 *misdemeanor;*

3 (b) *If the value of the property is \$250 or more but less than*
4 *\$2,500, is guilty of a category C felony and shall be punished as*
5 *provided in NRS 193.130; or*

6 (c) *If the value of the property is \$2,500 or more or if the*
7 *property is a firearm, is guilty of a category B felony and shall be*
8 *punished by imprisonment in the state prison for a minimum term*
9 *of not less than 1 year and a maximum term of not more than 10*
10 *years, and by a fine of not more than \$10,000.*

11 3. In addition to any other penalty, the court shall order the
12 person to pay restitution.

13 ~~2.~~ 4. *A person may be prosecuted and convicted pursuant to*
14 *this section whether or not the principal is or has been prosecuted*
15 *or convicted.*

16 5. Possession by any person of three or more items of the same
17 or a similar class or type of personal property on which a
18 permanently affixed manufacturer's serial number or
19 manufacturer's identification number has been removed, altered or
20 defaced, is prima facie evidence that the person has violated this
21 section.

22 ~~3.—Except as otherwise provided in subsection 4, a person~~
23 ~~convicted of the offense specified in this section must not be~~
24 ~~condemned to imprisonment in the state prison, unless the thing~~
25 ~~bought, received, possessed or withheld has a value of \$250 or~~
26 ~~more, but the person shall be punished as provided in cases of petit~~
27 ~~larceny.~~

28 ~~4.—If the thing bought, received, possessed or withheld is a~~
29 ~~firearm, regardless of its value, the person convicted of the offense~~
30 ~~specified in this section is guilty of a category B felony and shall be~~
31 ~~punished by imprisonment in the state prison for a minimum term of~~
32 ~~not less than 1 year and a maximum term of not more than 10 years,~~
33 ~~and by a fine of not more than \$10,000.]~~

34 6. *For the purposes of this section, the value of the property*
35 *involved shall be deemed to be the highest value attributable to*
36 *the property by any reasonable standard.*

37 7. *As used in this section, "stolen property" means property*
38 *that has been taken from its owner by larceny, robbery, burglary,*
39 *embezzlement, theft or any other offense that is a crime against*
40 *property, whether or not the person who committed the taking is*
41 *or has been prosecuted or convicted for the offense.*

1 **Sec. 9.** Section 62 of chapter 157, Statutes of Nevada 1997, at page
2 394, is hereby amended to read as follows:

3 Sec. 62. NRS 104.8206 is hereby amended to read as follows:

4 104.8206 1. If a ~~{certificated}~~ security *certificate* contains the
5 signatures necessary to its issue or transfer but is incomplete in any
6 other respect:

7 (a) Any person may complete it by filling in the blanks as
8 authorized; and

9 (b) Even though the blanks are incorrectly filled in, the security
10 *certificate* as completed is enforceable by a purchaser who took it
11 for value and without notice of the incorrectness.

12 2. A complete ~~{certificated}~~ security *certificate* that has been
13 improperly altered, even though fraudulently, remains enforceable,
14 but only according to its original terms.

15 ~~{3.—If an initial transaction statement contains the signatures~~
16 ~~necessary to its validity but is incomplete in any other respect:~~

17 ~~—(a) Any person may complete it by filling in the blanks as~~
18 ~~authorized; and~~

19 ~~—(b) Even though the blanks are incorrectly filled in, the statement~~
20 ~~as completed is effective in favor of the person to whom it is sent if~~
21 ~~he purchased the security referred to therein for value and without~~
22 ~~notice of the incorrectness.~~

23 ~~—4.—A complete initial transaction statement that has been~~
24 ~~improperly altered, even though fraudulently, is effective in favor of~~
25 ~~a purchaser to whom it has been sent but only according to its~~
26 ~~original terms.]~~

27 **Sec. 10.** Section 1 of chapter 182, Statutes of Nevada 1997, at page
28 472, is hereby amended to read as follows:

29 Section 1. NRS 14.030 is hereby amended to read as follows:

30 14.030 1. If any such company, association or municipal
31 corporation ~~{shall fail}~~ *fails* to appoint ~~{such}~~ *a resident* agent, or
32 ~~{fail}~~ *fails* to file ~~{such}~~ *a* certificate *of acceptance of appointment*
33 for 30 days after a vacancy occurs in such agency, on the
34 production of a certificate of the secretary of state showing either
35 fact, which certificate ~~{shall be}~~ *is* conclusive evidence of the fact so
36 certified to be made a part of the return of service, ~~{it shall be~~
37 ~~lawful to serve such}~~ *the* company, association or municipal
38 corporation *may be served* with any and all legal process by
39 delivering a copy to the secretary of state, or, in his absence, to any
40 ~~{duly appointed and acting}~~ deputy secretary of state, and such
41 service ~~{shall be}~~ *is* valid to all intents and purposes. *The copy*
42 *must:*

1 (a) *Include a specific citation to the provisions of this section.*
2 *The secretary of state may refuse to accept such service if the*
3 *proper citation is not included.*

4 (b) *Be accompanied by a fee of \$10.*
5 *The secretary of state shall keep a copy of the legal process*
6 *received pursuant to this section in his office for at least 1 year*
7 *after receipt thereof and shall make those records available for*
8 *public inspection during normal business hours.*

9 2. In all cases of such service , the defendant ~~{shall have}~~ *has*
10 40 days , ~~{4}~~ exclusive of the day of service , ~~{1}~~ within which to
11 answer or plead.

12 3. Before such service ~~{shall be}~~ *is* authorized, the plaintiff
13 shall make or cause to be made and filed an affidavit setting forth
14 the facts, showing that due diligence has been used to ascertain the
15 whereabouts of the officers of such company, association or
16 municipal corporation, and the facts showing that direct or personal
17 service on, or notice to, such *company, association or municipal*
18 corporation cannot be had.

19 4. If it ~~{shall appear from such}~~ *appears from the* affidavit that
20 there is a last known address of such company, association or
21 municipal corporation, or any known officers thereof, the plaintiff
22 shall, in addition to and after such service on the secretary of state,
23 mail or cause to be mailed to such *company, association or*
24 *municipal* corporation, or to ~~{such}~~ *the* known officer, at such
25 address, by registered or certified mail, a copy of the summons and
26 a copy of the complaint, and in all such cases the defendant ~~{shall~~
27 ~~have}~~ *has* 40 days ~~{from}~~ *after the* date of ~~{such}~~ *the* mailing within
28 which to appear in the action.

29 5. This section ~~{shall be construed as giving}~~ *provides* an
30 additional ~~{mode and}~~ manner of serving process, and ~~{as not~~
31 ~~affecting}~~ *does not affect* the validity of any other valid service.

32 **Sec. 11.** Sections 20 and 41 of chapter 203, Statutes of Nevada 1997,
33 at pages 536 and 593, respectively, are hereby amended to read
34 respectively as follows:

35 Sec. 20. Sections 11, 15, 18, 22 and 25 of chapter 501,
36 Statutes of Nevada 1995, at pages 1652, 1655 and 1658, are hereby
37 amended to read respectively as follows:

38 Sec. 11. NRS 632.320 is hereby amended to read as follows:
39 632.320 The board may deny, revoke or suspend any license
40 *or certificate* applied for or issued pursuant to this chapter, or
41 take other disciplinary action against a licensee ~~{1}~~ *or holder of a*
42 *certificate*, upon determining that he:

1 1. Is guilty of fraud or deceit in procuring or attempting to
2 procure a license *or certificate* pursuant to this chapter.

3 2. Is guilty of a felony or any offense ~~{involving}~~ :

4 *(a) Involving* moral turpitude ~~{}~~ ; *or*

5 *(b) Related to the qualifications, functions or duties of a*
6 *licensee or holder of a certificate,*

7 in which case the record of conviction is conclusive evidence
8 thereof.

9 3. Has been convicted of violating any of the provisions of
10 NRS 616.630, 616.635, 616.640 or 616.675 to 616.700,
11 inclusive.

12 4. Is unfit or incompetent by reason of gross negligence or
13 recklessness in carrying out usual nursing functions.

14 5. ~~{Is habitually intemperate or is addicted to the use of any~~
15 ~~controlled substance.}~~ *Uses any controlled substance, dangerous*
16 *drug as defined in chapter 454 of NRS, or intoxicating liquor to*
17 *an extent or in a manner which is dangerous or injurious to*
18 *any other person or which impairs his ability to conduct the*
19 *practice authorized by his license or certificate.*

20 6. Is mentally incompetent.

21 7. Is guilty of unprofessional conduct, which includes , but is
22 not limited to , the following:

23 (a) Conviction of practicing medicine without a license in
24 violation of chapter 630 of NRS, in which case the record of
25 conviction is conclusive evidence thereof.

26 (b) ~~{Procuring, or aiding, abetting, attempting, agreeing or~~
27 ~~offering to procure or assist at, a criminal abortion.~~

28 ~~—(c)—~~ Impersonating any applicant or acting as proxy for an
29 applicant in any examination required pursuant to this chapter for
30 the issuance of a license ~~{~~

31 ~~—(d)—~~ *or certificate.*

32 (c) Impersonating another licensed practitioner ~~{~~

33 ~~—(e)—~~ *or holder of a certificate.*

34 (d) Permitting or allowing another person to use his *license or*
35 *certificate* ~~{for the purpose of nursing the sick or afflicted.~~

36 ~~—(f)—~~ *to practice as a licensed practical nurse, registered nurse*
37 *or nursing assistant.*

38 (e) Repeated malpractice, which may be evidenced by claims
39 of malpractice settled against him.

40 (f) *Physical, verbal or psychological abuse of a patient.*

41 (g) *Conviction for the use or unlawful possession of a*
42 *controlled substance or dangerous drug as defined in chapter*
43 *454 of NRS.*

1 8. Has willfully or repeatedly violated the provisions of this
2 chapter. The voluntary surrender of a license *or certificate* issued
3 pursuant to this chapter is prima facie evidence that the licensee
4 *or certificate holder* has committed or expects to commit a
5 violation of this chapter.

6 9. Is guilty of aiding or abetting ~~anyone~~ *any person* in a
7 violation of this chapter.

8 10. Has falsified an entry on a patient's medical chart
9 concerning a controlled substance.

10 11. Has falsified information which was given to a physician,
11 pharmacist, *podiatric physician* or dentist to obtain a controlled
12 substance.

13 12. Has ~~had~~ *been disciplined in another state in*
14 *connection with* a license to practice nursing ~~[suspended or~~
15 ~~revoked in another jurisdiction. A certified copy of the order of~~
16 ~~suspension or revocation is prima facie evidence of the~~
17 ~~suspension or revocation.] or a certificate to practice as a~~
18 *nursing assistant or has committed an act in another state*
19 *which would constitute a violation of this chapter.*

20 13. Has engaged in conduct likely to deceive, defraud or
21 endanger a patient or the general public.

22 *14. Has willfully failed to comply with a regulation,*
23 *subpoena or order of the board.*
24 *For the purposes of this section, a plea or verdict of guilty or*
25 *guilty but mentally ill or a plea of nolo contendere constitutes a*
26 *conviction of an offense. The board may take disciplinary*
27 *action pending the appeal of a conviction.*

28 Sec. 15. NRS 632.3425 is hereby amended to read as
29 follows:

30 632.3425 A suspended *license or* certificate is subject to
31 expiration and must be renewed as provided in NRS *632.341 or*
32 632.342. Renewal does not entitle the *licensee or* nursing
33 assistant to engage in activity which requires *licensure or*
34 certification until the completion of the suspension.

35 Sec. 18. NRS 632.400 is hereby amended to read as follows:

36 632.400 1. The board shall render a decision on any
37 complaint within 60 days after the final hearing thereon. For the
38 purposes of this subsection, the final hearing on a matter
39 delegated to a hearing officer pursuant to NRS 632.355 is the
40 final hearing conducted by the hearing officer unless the board
41 conducts a hearing with regard to the complaint.

42 2. The board shall ~~give immediate notice in writing of the~~
43 ~~ruling or decision to:~~

1 ~~—(a) The applicant, licensee or holder of the certificate affected~~
2 ~~thereby.~~

3 ~~—(b) The party or parties by whom the complaint was~~
4 ~~made where the investigation or hearing was instituted by a~~
5 ~~complaint.~~

6 ~~Written notice must be given by registered or certified mail~~
7 ~~addressed to the last known address of the applicant, licensee or~~
8 ~~holder of the certificate and party by whom the complaint was~~
9 ~~made.~~

10 ~~—3.— If the ruling is to the prejudice of, or injuriously affects,~~
11 ~~the licensee or holder of the certificate, the board shall also state~~
12 ~~in the notice the date upon which the ruling or the decision~~
13 ~~becomes effective, which date must not be less than 30 days from~~
14 ~~and after the date of the notice.~~

15 ~~—4.— The decision of the board does not take effect until 30~~
16 ~~days after its date, and if notice of appeal and a demand for the~~
17 ~~transcript are served upon the board in accordance with the~~
18 ~~provisions of this chapter, then the stay remains in force and~~
19 ~~effect until the decision of the district court after hearing the~~
20 ~~appeal. If the aggrieved party fails to perfect his appeal, the stay~~
21 ~~automatically terminates.]~~ *notify the person of its decision in*
22 *writing by certified mail, return receipt requested. The decision*
23 *of the board becomes effective on the date the person receives*
24 *the notice or on the date the board receives a notice from the*
25 *United States Postal Service stating that the person refused to*
26 *accept delivery or could not be located.*

27 Sec. 22. 1. NRS 632.075, 632.260, ~~[632.323,]~~ 632.370
28 and 632.420 are hereby repealed.

29 2. *NRS 632.323 is hereby repealed.*

30 Sec. 25. Sections 11, 14 and 21 *and subsection 2 of section*
31 *22* of this act become effective at 12:01 a.m. on October 1, 1995.

32 Sec. 41. 1. Sections 7, 28, ~~[130.2,]~~ 137, 147 and 155 of
33 chapter 587, Statutes of Nevada 1995, at pages 2123, 2125, ~~[2165,]~~
34 2168 and 2170, are hereby amended to read respectively as follows:

35 Sec. 7. *In addition to the authority given the manager to*
36 *determine and fix premium rates of employers pursuant to NRS*
37 *616.395 to 616.405, inclusive, the manager may by regulation*
38 *establish a plan for classifying employers insured by the system*
39 *who, because of the risks inherent in the businesses in which*
40 *the employers are engaged, are reasonably likely to incur a*
41 *greater number of claims for compensation pursuant to this*

chapter or chapter 617 of NRS. Upon establishing such a plan, the manager may, with the approval of the commissioner, determine and fix the premium rates of those employers.

Sec. 28. 1. The members of the board may meet throughout each year at the times and places specified by a call of the chairman or a majority of the board. The board may prescribe rules and regulations for its own management and government. Three members of the board constitute a quorum, and a quorum may exercise all the power and authority conferred on the board. If a member of the board submits a claim against the subsequent injury fund for associations of self-insured public or private employers, that member shall not vote on or otherwise participate in the decision of the board concerning that claim.

2. The board shall administer the subsequent injury fund for associations of self-insured public or private employers in accordance with the provisions of sections 29, 30 and 31 of this act.

Sec. 137. Section ~~4 of chapter 22, Statutes of Nevada 1993, at page 43, is hereby amended to read as follows:~~ 26 of chapter 587, Statutes of Nevada 1993, at page 2457, is hereby amended to read as follows:

Sec. 26. Section 284.5 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 284.5. Section 4 of Assembly Bill No. 342 of this session is hereby amended to read as follows:

Sec. 4. NRS 616.400 is hereby amended to read as follows:

616.400 1. Every employer insured by the system shall, at intervals established by the manager, furnish the system with a true and accurate payroll showing:

(a) The total amount paid to employees for services performed;

(b) The amount of tips reported to him by every employee pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled \$20 or more; and

(c) A segregation of employment in accordance with the requirements of the system, together with the premium due thereon. The payroll and premium must be furnished to the system on or before the date established by the manager for the receipt of the payroll and premium.

1 2. In determining the total amount paid to employees
2 by each employer for services performed during a
3 calendar year, the maximum amount paid by each
4 employer to any one employee during the calendar year
5 shall be deemed to be ~~1~~:

6 ~~—(a) For the period beginning October 1, 1992, and~~
7 ~~ending December 31, 1992, the first \$27,000 paid to the~~
8 ~~employee during the calendar year of 1992.~~

9 ~~—(b) For the period beginning January 1, 1993, and~~
10 ~~ending December 31, 1993, the first \$27,000 paid to the~~
11 ~~employee.~~

12 ~~—(c) For the period beginning January 1, 1994, and~~
13 ~~ending December 31, 1994, the first \$30,000 paid to the~~
14 ~~employee.~~

15 ~~—(d) For the period beginning January 1, 1995, and~~
16 ~~ending December 31, 1995,] the first [\$33,000] \$36,000~~
17 ~~paid to the employee 1.] during the calendar year.~~

18 3. Except as otherwise provided in this subsection,
19 any employer by agreement in writing with the manager
20 may arrange for the payment of premiums in advance for
21 a period of more than 60 days. If an employer's premiums
22 are less than \$300 in a given year, the premiums must be
23 paid at intervals established by the manager.

24 4. Failure of any employer to comply with the
25 provisions of this section and NRS 616.395 operates as a
26 rejection of this chapter, effective at the expiration of the
27 period covered by his estimate. The manager shall notify
28 the administrator of each such rejection.

29 5. If an audit of the accounts or actual payroll of an
30 employer shows that the actual premium earned exceeds
31 the estimated premium paid in advance, the manager may
32 require the payment of money sufficient to cover the
33 deficit, together with such amount as in his judgment
34 constitutes an adequate advance premium for the period
35 covered by the estimate.

36 6. The manager shall notify any employer or his
37 representative by first-class mail of any failure on his part
38 to comply with the provisions of this section. The notice
39 or its omission does not modify or waive the requirements
40 or effective rejection of this chapter as otherwise
41 provided in this chapter.

42 7. The system may impose a penalty not to exceed 4
43 percent of the premiums which are due for the failure of

an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

8. To the extent permitted by federal law, the system shall vigorously pursue the collection of premiums that are due under the provisions of this chapter even if an employer's debts have been discharged in a bankruptcy proceeding.

Sec. 147. 1. NRS 616.2213, 616.2214, 616.2215, 616.2216, 616.2217, 616.2225, 616.3445, 616.383, 616.387, 616.440, 616.450, 616.455, 616.460, 616.470, 616.475, 616.517, 616.518, 617.295 and 645.553, *and sections 94, 95, 96 and 137 of chapter 580, Statutes of Nevada 1995, at pages 2028, 2029, 2030 and 2048, respectively*, are hereby repealed.

2. Sections 158, 160 and 162 of chapter 265, Statutes of Nevada 1993, are hereby repealed.

Sec. 155. 1. This section and subsection 2 of section 147 of this act become effective on June 30, 1995.

2. Sections 1, 4.5, 5, 6, 6.5, 8, 15, 17, 23 to 33, inclusive, 38, 39, 44, 47, 48 to 54, inclusive, 57, 61, 68, 73, 76, 81 to 85, inclusive, 87 to ~~195.1~~ *95.5*, inclusive, 97, 99 to 103.5, inclusive, 105, 115, 116, 117, 119 to 123, inclusive, 126, 130, 133, 134, 136, 137, *137.5*, 146, *146.5*, subsection 1 of section 147, 148, 149, 152 and 153 of this act become effective on July 1, 1995.

3. Sections 45, 77, 106 and 106.5 of this act become effective at 12:01 a.m. on July 1, 1995.

4. Sections 7, *17.3, 17.5, 17.7*, 129.5, 130.2, 130.4, and 130.6 of this act become effective on July 1, 1999.

2. Chapter 587, Statutes of Nevada 1995, at page 2124, is hereby amended by adding thereto new sections to be designated as sections 17.3, 17.5 and 17.7, immediately following section 17, to read respectively as follows:

Sec. 17.3. 1. *There is hereby established as a trust fund in the state treasury the subsequent injury fund for private carriers, which may be used only to make payments in accordance with the provisions of sections 17.5 and 17.7 of this act. The administrator shall administer the fund.*

2. *All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the administrator for the subsequent injury fund for private carriers must be delivered to the custody of the state treasurer.*

1 3. All money and securities in the fund must be held in
2 trust by the state treasurer as custodian thereof to be used
3 solely for workers' compensation for employees whose
4 employers are insured by private carriers.

5 4. The state treasurer may disburse money from the fund
6 only upon written order of the state controller.

7 5. The state treasurer shall invest money of the fund in the
8 same manner and in the same securities in which he is
9 authorized to invest state general funds which are in his
10 custody. Income realized from the investment of the assets of
11 the fund must be credited to the fund.

12 6. The administrator shall adopt regulations for the
13 establishment and administration of assessment rates,
14 payments and penalties. Assessment rates must reflect the
15 relative hazard of the employments covered by private carriers
16 and must be based upon expected annual expenditures for
17 claims for payments from the subsequent injury fund for
18 private carriers. The system must not be required to pay any
19 assessments, payments or penalties into the subsequent injury
20 fund for private carriers, or any costs associated with the fund.

21 7. The commissioner shall assign an actuary to review the
22 establishment of assessment rates. The rates must be filed with
23 the commissioner 30 days before their effective date. Any
24 private carrier who wishes to appeal the rate so filed must do so
25 pursuant to NRS 679B.310.

26 Sec. 17.5. Except as otherwise provided in section 17.7 of
27 this act:

28 1. If an employee of an employer who is insured by a
29 private carrier has a permanent physical impairment from any
30 cause or origin and incurs a subsequent disability by injury
31 arising out of and in the course of his employment which
32 entitles him to compensation for disability that is substantially
33 greater by reason of the combined effects of the preexisting
34 impairment and the subsequent injury than that which would
35 have resulted from the subsequent injury alone, the
36 compensation due must be charged to the subsequent injury
37 fund for private carriers in accordance with regulations
38 adopted by the administrator.

39 2. If the subsequent injury of such an employee results in
40 his death and it is determined that the death would not have
41 occurred except for the preexisting permanent physical
42 impairment, the compensation due must be charged to the

1 subsequent injury fund for private carriers in accordance with
2 regulations adopted by the administrator.

3 3. As used in this section, “permanent physical
4 impairment” means any permanent condition, whether
5 congenital or caused by injury or disease, of such seriousness
6 as to constitute a hindrance or obstacle to obtaining
7 employment or to obtaining reemployment if the employee is
8 unemployed. For the purposes of this section, a condition is not
9 a “permanent physical impairment” unless it would support a
10 rating of permanent impairment of 6 percent or more of the
11 whole man if evaluated according to the American Medical
12 Association’s Guides to the Evaluation of Permanent
13 Impairment as adopted and supplemented by the division
14 pursuant to section 32 of this act.

15 4. To qualify under this section for reimbursement from
16 the subsequent injury fund for private carriers, the private
17 carrier must establish by written records that the employer had
18 knowledge of the “permanent physical impairment” at the time
19 the employee was hired or that the employee was retained in
20 employment after the employer acquired such knowledge.

21 5. A private carrier shall notify the administrator of any
22 possible claim against the subsequent injury fund for private
23 carriers as soon as practicable, but not later than 100 weeks
24 after the injury or death.

25 6. The administrator shall adopt regulations establishing
26 procedures for submitting claims against the subsequent injury
27 fund for private carriers. The administrator shall notify the
28 private carrier of his decision on such a claim within 90 days
29 after the claim is received.

30 7. An appeal of any decision made concerning a claim
31 against the subsequent injury fund for private carriers must be
32 submitted directly to the appeals officer. The appeals officer
33 shall hear such an appeal within 45 days after the appeal is
34 submitted to him.

35 Sec. 17.7. 1. A private carrier who pays compensation
36 due to an employee who has a permanent physical impairment
37 from any cause or origin and incurs a subsequent disability by
38 injury arising out of and in the course of his employment which
39 entitles him to compensation for disability that is substantially
40 greater by reason of the combined effects of the preexisting
41 impairment and the subsequent injury than that which would
42 have resulted from the subsequent injury alone is entitled to be

1 *reimbursed from the subsequent injury fund for private*
2 *carriers if:*

3 *(a) The employee knowingly made a false representation as*
4 *to his physical condition at the time he was hired by the*
5 *employer insured by a private carrier;*

6 *(b) The employer relied upon the false representation and*
7 *this reliance formed a substantial basis of the employment; and*

8 *(c) A causal connection existed between the false*
9 *representation and the subsequent disability.*

10 *If the subsequent injury of the employee results in his death*
11 *and it is determined that the death would not have occurred*
12 *except for the preexisting permanent physical impairment, any*
13 *compensation paid is entitled to be reimbursed from the*
14 *subsequent injury fund for private carriers.*

15 *2. A private carrier shall notify the administrator of any*
16 *possible claim against the subsequent injury fund for private*
17 *carriers pursuant to this section no later than 60 days after the*
18 *date of the subsequent injury or the date the employer learns of*
19 *the employee's false representation, whichever is later.*

20 3. Chapter 587, Statutes of Nevada 1995, at page 2153, is
21 hereby amended by adding thereto a new section to be designated as
22 section 95.5, immediately following section 95, to read as follows:

23 Sec. 95.5. NRS 616.560 is hereby amended to read as
24 follows:

25 616.560 1. If an injured employee or, in the event of his
26 death, his dependents, bring an action in tort against his employer
27 to recover payment for an injury which is compensable under this
28 chapter or chapter 617 of NRS and, notwithstanding the
29 provisions of NRS 616.370, receive payment from the employer
30 for that injury:

31 (a) The amount of compensation the injured employee or his
32 dependents are entitled to receive pursuant to the provisions of
33 this chapter, including any future compensation, must be reduced
34 by the amount paid by the employer.

35 (b) The insurer, or in the case of claims involving the
36 uninsured employer's claim fund or ~~the~~ a subsequent injury
37 fund the administrator, has a lien upon the total amount paid by
38 the employer if the injured employee or his dependents receive
39 compensation pursuant to the provisions of this chapter.
40 This subsection is applicable whether the money paid to the
41 employee or his dependents by the employer is classified as a
42 gift, a settlement or otherwise. The provisions of this subsection

1 do not grant to an injured employee any right of action in tort to
2 recover damages from his employer for his injury.

3 2. When an employee receives an injury for which
4 compensation is payable pursuant to the provisions of this
5 chapter and which was caused under circumstances creating a
6 legal liability in some person, other than the employer or a person
7 in the same employ, to pay damages in respect thereof:

8 (a) The injured employee, or in case of death his dependents,
9 may take proceedings against that person to recover damages, but
10 the amount of the compensation the injured employee or his
11 dependents are entitled to receive pursuant to the provisions of
12 this chapter, including any future compensation, must be reduced
13 by the amount of the damages recovered, notwithstanding any act
14 or omission of the employer or a person in the same employ
15 which was a direct or proximate cause of the employee's injury.

16 (b) If the injured employee, or in case of death his dependents,
17 receive compensation pursuant to the provisions of this chapter,
18 the insurer, or in case of claims involving the uninsured
19 employers' claim fund or ~~the~~ a subsequent injury fund the
20 administrator, has a right of action against the person so liable to
21 pay damages and is subrogated to the rights of the injured
22 employee or of his dependents to recover therefor.

23 3. When an injured employee incurs an injury for which
24 compensation is payable pursuant to the provisions of this
25 chapter and which was caused under circumstances entitling him,
26 or in the case of death his dependents, to receive proceeds under
27 his employer's policy of uninsured or underinsured vehicle
28 coverage:

29 (a) The injured employee, or in the case of death his
30 dependents, may take proceedings to recover those proceeds, but
31 the amount of compensation the injured employee or his
32 dependents are entitled to receive pursuant to the provisions of
33 this chapter, including any future compensation, must be reduced
34 by the amount of proceeds received.

35 (b) If an injured employee, or in the case of death his
36 dependents, receive compensation pursuant to the provisions of
37 this chapter, the insurer, or in the case of claims involving the
38 uninsured employers' claim fund or ~~the~~ a subsequent injury
39 fund the administrator, is subrogated to the rights of the injured
40 employee or his dependents to recover proceeds under the
41 employer's policy of uninsured or underinsured vehicle coverage.
42 The insurer and the administrator are not subrogated to the rights
43 of an injured employee or his dependents under a policy of

1 uninsured or underinsured vehicle coverage purchased by the
2 employee.

3 4. In any action or proceedings taken by the insurer or the
4 administrator pursuant to this section, evidence of the amount of
5 compensation, accident benefits and other expenditures which the
6 insurer, the uninsured employers' claim fund or ~~the~~ a
7 subsequent injury fund have paid or become obligated to pay by
8 reason of the injury or death of the employee is admissible. If in
9 such action or proceedings the insurer or the administrator
10 recovers more than those amounts, the excess must be paid to the
11 injured employee or his dependents.

12 5. In any case where the insurer or the administrator is
13 subrogated to the rights of the injured employee or of his
14 dependents as provided in subsection 2 or 3, the insurer or the
15 administrator has a lien upon the total proceeds of any recovery
16 from some person other than the employer, whether the proceeds
17 of such recovery are by way of judgment, settlement or
18 otherwise. The injured employee, or in the case of his death his
19 dependents, are not entitled to double recovery for the same
20 injury, notwithstanding any act or omission of the employer or a
21 person in the same employ which was a direct or proximate cause
22 of the employee's injury.

23 6. The lien provided for under subsection 1 or 5 includes the
24 total compensation expenditure incurred by the insurer, the
25 uninsured employers' claim fund or ~~the~~ a subsequent injury
26 fund for the injured employee and his dependents.

27 7. An injured employee, or in the case of death his
28 dependents, shall notify the insurer, or in the case of claims
29 involving the uninsured employers' claim fund or a subsequent
30 injury fund the administrator, in writing before initiating a
31 proceeding or action pursuant to this section.

32 8. Within 15 days after the date of recovery by way of actual
33 receipt of the proceeds of the judgment, settlement or otherwise:

34 (a) The injured employee or his dependents, or the attorney or
35 representative of the injured employee or his dependents; and

36 (b) The third-party insurer,
37 shall notify the insurer, or in the case of claims involving the
38 uninsured employers' claim fund or a subsequent injury fund the
39 administrator, of the recovery and pay to the insurer or the
40 administrator, respectively, the amount due under this section
41 together with an itemized statement showing the distribution of

1 the total recovery. The attorney or representative of the injured
2 employee or his dependents and the third-party insurer are jointly
3 and severally liable for any amount to which an insurer is entitled
4 pursuant to this section if the attorney, representative or third-
5 party insurer has knowledge of the lien provided for in this
6 section.

7 9. An insurer shall not sell its lien to a third-party insurer
8 unless the injured employee or his dependents, or the attorney or
9 representative of the injured employee or his dependents, refuses
10 to provide to the insurer information concerning the action
11 against the third party.

12 10. In any trial of an action by the injured employee, or in
13 the case of his death by his dependents, against a person other
14 than the employer or a person in the same employ, the jury must
15 receive proof of the amount of all payments made or to be made
16 by the insurer or the administrator. The court shall instruct the
17 jury substantially as follows:

18
19 Payment of workmen's compensation benefits by the
20 insurer, or in the case of claims involving the uninsured
21 employers' claim fund or a subsequent injury fund the
22 administrator, is based upon the fact that a compensable
23 industrial accident occurred, and does not depend upon
24 blame or fault. If the plaintiff does not obtain a judgment in
25 his favor in this case, he is not required to repay his
26 employer, the insurer or the administrator any amount paid
27 to him or paid on his behalf by his employer, the insurer or
28 the administrator.

29 If you decide that the plaintiff is entitled to judgment
30 against the defendant, you shall find his damages in
31 accordance with the court's instructions on damages and
32 return your verdict in the plaintiff's favor in the amount so
33 found without deducting the amount of any compensation
34 benefits paid to or for the plaintiff. The law provides a
35 means by which any compensation benefits will be repaid
36 from your award.

37
38 11. For the purposes of calculating an employer's premium,
39 the employer's account with the system must be credited with an
40 amount equal to that recovered by the system from a third party

1 pursuant to this section, less the system's share of the expenses of
2 litigation incurred in obtaining the recovery, except that the total
3 credit must not exceed the amount of compensation actually paid
4 or reserved by the system on the injured employee's claim.

5 12. As used in this section, "third-party insurer" means an
6 insurer that issued to a third party who is liable for damages
7 pursuant to subsection 2, a policy of liability insurance the
8 proceeds of which are recoverable pursuant to this section. The
9 term includes an insurer that issued to an employer a policy of
10 uninsured or underinsured vehicle coverage.

11 4. Chapter 587, Statutes of Nevada 1995, at page 2169, is
12 hereby amended by adding thereto a new section to be designated as
13 section 137.5, immediately following section 137, to read as
14 follows:

15 Sec. 137.5. Section 106.5 of chapter 265, Statutes of
16 Nevada 1993, at page 699, is hereby amended to read as follows:

17 Sec. 106.5. NRS 616.180 is hereby amended to read as
18 follows:

19 616.180 1. The system may ~~[, pursuant to the approval~~
20 ~~of the governor,]~~ invest not to exceed 10 percent of the total
21 assets of the state insurance fund in rehabilitation buildings
22 and facilities and facilities and office buildings in this state.
23 The system shall cooperate with the state public works board
24 in all planning and construction undertaken by the system
25 pursuant to this section. The system may occupy whatever
26 room or rooms are necessary for the performance of its duties,
27 and any such buildings or portions thereof not occupied by the
28 system may be rented only to other state agencies,
29 departments, commissions, bureaus and officers.

30 2. The title of any real property purchased under the
31 authority granted by subsection 1 must be examined and
32 approved by the attorney general.

33 3. Any income derived from rentals must be accounted for
34 separately and deposited in the appropriate account of the
35 system.

36 4. The system may ~~[, pursuant to the approval of the~~
37 ~~governor,]~~ sell any real property acquired by it pursuant to the
38 provisions of subsection 1. All money received by the system
39 for the sale of such real property must be deposited in the state
40 insurance fund.

1 5. Chapter 587, Statutes of Nevada 1995, at page 2170, is
2 hereby amended by adding thereto a new section to be designated as
3 section 146.5, immediately following section 146, to read as
4 follows:

5 Sec. 146.5. Section 88 of chapter 580, Statutes of Nevada
6 1995, at page 2025, is hereby amended to read as follows:

7 Sec. 88. NRS 616.400 is hereby amended to read as
8 follows:

9 616.400 1. Every employer insured by the system shall,
10 at intervals established by the manager, furnish the system with
11 a true and accurate payroll showing:

12 (a) The total amount paid to employees for services
13 performed;

14 (b) The amount of tips reported to him by every employee
15 pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled
16 \$20 or more; and

17 (c) A segregation of employment in accordance with the
18 requirements of the system,
19 together with the premium due thereon. The payroll and
20 premium must be furnished to the system on or before the date
21 established by the manager for the receipt of the payroll and
22 premium.

23 2. ~~{In determining the total amount paid to employees by~~
24 ~~each employer for services performed during a calendar year,~~
25 ~~the maximum amount paid by each employer to any one~~
26 ~~employee during the calendar year shall be deemed to be the~~
27 ~~first \$36,000 paid to the employee during the calendar year.~~

28 ~~—3.— Except as otherwise provided in this subsection, any}~~
29 **Any** employer by agreement in writing with the manager may
30 arrange for the payment of premiums in advance ~~{for a period~~
31 ~~of more than 60 days. If an employer's premiums are less than~~
32 ~~\$300 in a given year, the premiums must be paid at intervals}~~
33 **at an interval** established by the manager.

34 ~~{4.}~~ 3. Failure of any employer to comply with the
35 provisions of this section and NRS 616.395 operates as a
36 rejection of this chapter, effective at the expiration of the
37 period covered by his estimate. The manager shall notify the
38 administrator of each such rejection.

39 ~~{5.}~~ 4. If an audit of the accounts or actual payroll of an
40 employer shows that the actual premium earned exceeds the
41 estimated premium paid in advance, the manager may require

1 the payment of money sufficient to cover the deficit, together
2 with such amount as in his judgment constitutes an adequate
3 advance premium for the period covered by the estimate.

4 ~~{6.}~~ 5. The manager shall notify any employer or his
5 representative by first-class mail of any failure on his part to
6 comply with the provisions of this section. The notice or its
7 omission does not modify or waive the requirements or
8 effective rejection of this chapter as otherwise provided in this
9 chapter.

10 ~~{7.}~~ 6. The system may impose a penalty not to exceed ~~{4}~~
11 10 percent of the premiums which are due for the failure of an
12 employer to submit the information and premium required in
13 subsection 1 within the time allowed, unless the employer has
14 applied for and been granted an extension of that time by the
15 manager.

16 ~~{8.}~~ 7. To the extent permitted by federal law, the system
17 shall vigorously pursue the collection of premiums that are due
18 under the provisions of this chapter even if an employer's
19 debts have been discharged in a bankruptcy proceeding.

20 **Sec. 12.** 1. Section 6 of chapter 214, Statutes of Nevada 1997, at
21 page 745, is hereby amended to read as follows:

22 Sec. 6. NRS 695C.330 is hereby amended to read as follows:

23 695C.330 1. The commissioner may suspend or revoke any
24 certificate of authority issued to a health maintenance organization
25 pursuant to *the provisions of* this chapter if he finds that any of the
26 following conditions exist:

27 (a) The health maintenance organization is operating
28 significantly in contravention of its basic organizational document,
29 its health care plan or in a manner contrary to that described in and
30 reasonably inferred from any other information submitted pursuant
31 to NRS 695C.060, 695C.070 and 695C.140, unless *any*
32 amendments to those submissions have been filed with and
33 approved by the commissioner;

34 (b) The health maintenance organization issues evidence of
35 coverage or uses a schedule of charges for health care services
36 which do not comply with the requirements of NRS 695C.170 to
37 695C.200, inclusive ~~{4}~~, *or section 5 of this act*;

38 (c) The health care plan does not furnish comprehensive health
39 care services as provided for in subsection 1 of NRS 695C.030;

40 (d) The state board of health certifies to the commissioner that:

1 (1) The health maintenance organization does not meet the
2 requirements of subsection 2 of NRS 695C.080; or

3 (2) The health maintenance organization is unable to fulfill its
4 obligations to furnish health care services as required under its
5 health care plan;

6 (e) The health maintenance organization is no longer financially
7 responsible and may reasonably be expected to be unable to meet
8 its obligations to enrollees or prospective enrollees;

9 (f) The health maintenance organization has failed to put into
10 effect a mechanism affording the enrollees an opportunity to
11 participate in matters relating to the content of programs ~~under~~
12 *pursuant to* NRS 695C.110;

13 (g) The health maintenance organization has failed to put into
14 effect the system for complaints required by NRS 695C.260 in a
15 manner reasonably to dispose of valid complaints;

16 (h) The health maintenance organization or any person on its
17 behalf has advertised or merchandised its services in an untrue,
18 misrepresentative, misleading, deceptive or unfair manner;

19 (i) The continued operation of the health maintenance
20 organization would be hazardous to its enrollees; or

21 (j) The health maintenance organization has otherwise failed to
22 ~~substantially~~ comply *substantially* with *the provisions of* this
23 chapter.

24 2. A certificate of authority must be suspended or revoked only
25 after compliance with the requirements of NRS 695C.340.

26 3. ~~When~~ *If* the certificate of authority of a health maintenance
27 organization is suspended, the health maintenance organization
28 shall not, during the period of that suspension, enroll any additional
29 groups or new individual contracts, unless those groups or persons
30 were contracted for before the date of suspension.

31 4. ~~When~~ *If* the certificate of authority of a health maintenance
32 organization is revoked, the organization shall proceed,
33 immediately following the effective date of the order of revocation,
34 to wind up its affairs and shall conduct no further business except as
35 may be essential to the orderly conclusion of the affairs of the
36 organization. It shall engage in no further advertising or solicitation
37 ~~whatsoever~~ *of any kind*. The commissioner may by written order
38 permit such further operation of the organization as he may find to
39 be in the best interest of enrollees to the end that enrollees ~~will be~~
40 *are* afforded the greatest practical opportunity to obtain continuing
41 coverage for health care.

1 2. Chapter 214, Statutes of Nevada 1997, at page 745, is hereby
2 amended by adding thereto a new section to be designated as
3 section 5.1, immediately following section 5, to read as follows:

4 Sec. 5.1. NRS 695C.050 is hereby amended to read as follows:

5 695C.050 1. Except as otherwise provided in this chapter or
6 in specific provisions of this Title, the provisions of this Title are
7 not applicable to any health maintenance organization granted a
8 certificate of authority under this chapter. This provision does not
9 apply to an insurer licensed and regulated pursuant to this Title
10 except with respect to its activities as a health maintenance
11 organization authorized and regulated pursuant to this chapter.

12 2. Solicitation of enrollees by a health maintenance
13 organization granted a certificate of authority, or its representatives,
14 must not be construed to violate any provision of law relating to
15 solicitation or advertising by practitioners of a healing art.

16 3. Any health maintenance organization authorized pursuant to
17 this chapter shall not be deemed to be practicing medicine and is
18 exempt from the provisions of chapter 630 of NRS.

19 4. The provisions of NRS 695C.110, 695C.170 to 695C.200,
20 inclusive, 695C.250 and 695C.265 , ~~and~~ section 4 of ~~this act~~
21 *Assembly Bill No. 394 of this session and section 5 of this act* do
22 not apply to a health maintenance organization that provides health
23 care services through managed care to recipients of Medicaid
24 pursuant to a contract with the welfare division of the department of
25 human resources. This subsection does not exempt a health
26 maintenance organization from any provision of this chapter for
27 services provided pursuant to any other contract.

28 3. Chapter 214, Statutes of Nevada 1997, at page 746, is hereby
29 amended by adding thereto a new section to be designated as section 6.1,
30 immediately following section 6, to read as follows:

31 Sec. 6.1. Section 6 of chapter 412, Statutes of Nevada 1997, at
32 page 1462, is hereby amended to read as follows:

33 Sec. 6. NRS 695C.330 is hereby amended to read as
34 follows:

35 695C.330 1. The commissioner may suspend or revoke any
36 certificate of authority issued to a health maintenance
37 organization pursuant to the provisions of this chapter if he finds
38 that any of the following conditions exist:

39 (a) The health maintenance organization is operating
40 significantly in contravention of its basic organizational
41 document, its health care plan or in a manner contrary to that
42 described in and reasonably inferred from any other information
43 submitted pursuant to NRS 695C.060, 695C.070 and 695C.140,

1 unless any amendments to those submissions have been filed with
2 and approved by the commissioner;

3 (b) The health maintenance organization issues evidence of
4 coverage or uses a schedule of charges for health care services
5 which do not comply with the requirements of NRS 695C.170 to
6 695C.200, inclusive, ~~for~~ section 5 of ~~this act;~~ *Assembly Bill*
7 *No. 477 of this session and section 5 of this act;*

8 (c) The health care plan does not furnish comprehensive
9 health care services as provided for in subsection 1 of NRS
10 695C.030;

11 (d) The state board of health certifies to the commissioner
12 that:

13 (1) The health maintenance organization does not meet the
14 requirements of subsection 2 of NRS 695C.080; or

15 (2) The health maintenance organization is unable to fulfill
16 its obligations to furnish health care services as required under its
17 health care plan;

18 (e) The health maintenance organization is no longer
19 financially responsible and may reasonably be expected to be
20 unable to meet its obligations to enrollees or prospective
21 enrollees;

22 (f) The health maintenance organization has failed to put into
23 effect a mechanism affording the enrollees an opportunity to
24 participate in matters relating to the content of programs pursuant
25 to NRS 695C.110;

26 (g) The health maintenance organization has failed to put into
27 effect the system for complaints required by NRS 695C.260 in a
28 manner reasonably to dispose of valid complaints;

29 (h) The health maintenance organization or any person on its
30 behalf has advertised or merchandised its services in an untrue,
31 misrepresentative, misleading, deceptive or unfair manner;

32 (i) The continued operation of the health maintenance
33 organization would be hazardous to its enrollees; or

34 (j) The health maintenance organization has otherwise failed
35 to comply substantially with the provisions of this chapter.

36 2. A certificate of authority must be suspended or revoked
37 only after compliance with the requirements of NRS 695C.340.

38 3. If the certificate of authority of a health maintenance
39 organization is suspended, the health maintenance organization
40 shall not, during the period of that suspension, enroll any
41 additional groups or new individual contracts, unless those
42 groups or persons were contracted for before the date of
43 suspension.

1 4. If the certificate of authority of a health maintenance
2 organization is revoked, the organization shall proceed,
3 immediately following the effective date of the order of
4 revocation, to wind up its affairs and shall conduct no further
5 business except as may be essential to the orderly conclusion of
6 the affairs of the organization. It shall engage in no further
7 advertising or solicitation of any kind. The commissioner may by
8 written order permit such further operation of the organization as
9 he may find to be in the best interest of enrollees to the end that
10 enrollees are afforded the greatest practical opportunity to obtain
11 continuing coverage for health care.

12 4. Chapter 214, Statutes of Nevada 1997, at page 746, is hereby
13 amended by adding thereto a new section to be designated as section 8,
14 immediately following section 7, to read as follows:

15 Sec. 8. Section 5.1 of this act becomes effective at 12:02 a.m.
16 on October 1, 1997.

17 **Sec. 13.** Section 5 of chapter 226, Statutes of Nevada 1997, at page
18 796, is hereby amended to read as follows:

19 Sec. 5. NRS 62.226 is hereby amended to read as follows:

20 62.226 1. Except as otherwise provided in subsection 3 ~~and~~
21 ~~NRS 62.227, whenever any~~, **whenever a** child is found to have
22 committed the unlawful act of ~~1:~~

23 ~~—(a) Using, possessing, selling or distributing a controlled~~
24 ~~substance;~~

25 ~~—(b) Purchasing, consuming or possessing an alcoholic beverage~~
26 ~~in violation of NRS 202.020; or~~

27 ~~—(c) Placing~~ **placing** graffiti on or otherwise defacing the public
28 or private property, real or personal, of another, in violation of NRS
29 206.125 or 206.330, the judge, or his authorized representative,
30 may, if the child possesses a driver's license, issue an order
31 suspending the ~~child's~~ driver's license **of the child** for **at least 90**
32 **days but** not more than 2 years. If such an order is issued, the judge
33 shall require the child to surrender **his driver's license** to the court .
34 ~~[all driver's licenses then held by the child. The court shall, within 5~~
35 ~~days after issuing the order, forward to the department of motor~~
36 ~~vehicles and public safety the licenses, together with a copy of the~~
37 ~~order.]~~

38 2. If the child does not possess a driver's license and the child
39 is or will be eligible to ~~apply for~~ **receive** a driver's license within
40 the 2 years immediately following the date of the order, the judge,
41 or his authorized representative, may issue an order prohibiting the
42 child from applying for a driver's license for a period specified by

the court ~~{but not to exceed}~~ *which must be at least 90 days but not more than* 2 years:

(a) Immediately following the date of the order, if the child is eligible to ~~{apply for}~~ *receive* a driver's license.

(b) After the date the child will be eligible to ~~{apply for}~~ *receive* a driver's license, if the child is not eligible to ~~{apply for}~~ *receive* a license on the date of the order.

~~{The court shall, within 5 days after issuing the order, forward to the department a copy of the order.}~~

3. If a child is already the subject of a court order suspending or delaying the issuance of his driver's license, the court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

~~{4. —The department of motor vehicles and public safety:~~

~~—(a) Shall not treat such an unlawful act in the manner statutorily required for moving traffic violations:~~

~~—(b) Shall report a suspension pursuant to this section to an insurance company or its agent inquiring about the child's driving record but such a suspension must not be considered for the purpose of rating or underwriting.~~

~~—(c) Shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this section unless the suspension also resulted from his poor performance as a driver.}~~

Sec. 14. Section 3 of chapter 229, Statutes of Nevada 1997, at page 826, is hereby amended to read as follows:

Sec. 3. NRS 202.350 is hereby amended to read as follows:

202.350 1. It is unlawful for a person within this state to:

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

(b) Except as otherwise provided in subsection 4, carry concealed upon his person any:

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

(2) Dirk, dagger or machete;

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

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

2 2. It is unlawful for a person to possess or use a:

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

5 (b) Machine gun or a silencer.

6 3. Except as otherwise provided in NRS 202.275 and 212.185,
7 a person who violates any of the provisions of subsection 1 or 2 is
8 guilty:

9 (a) For the first offense, of a gross misdemeanor.

10 (b) For any subsequent offense, of a category D felony, and shall
11 be punished as provided in NRS 193.130.

12 4. Except as otherwise provided in this subsection and NRS
13 202.3653 to 202.369, inclusive, the sheriff of any county may, upon
14 written application by a resident of that county showing the reason
15 or the purpose for which a concealed weapon is to be carried, issue
16 a permit authorizing the applicant to carry in this state the concealed
17 weapon described in the permit. The sheriff shall not issue a permit
18 to a person to carry a switchblade knife.

19 5. *This section does not apply to:*

20 (a) *Sheriffs, constables, marshals, peace officers, special police*
21 *officers, police officers of this state, whether active or honorably*
22 *retired, or other appointed officers.*

23 (b) *Any person summoned by any peace officer to assist in*
24 *making arrests or preserving the peace while the person so*
25 *summoned is actually engaged in assisting such an officer.*

26 (c) *Any full-time paid peace officer of an agency of the United*
27 *States or another state or political subdivision thereof when*
28 *carrying out official duties in the State of Nevada.*

29 (d) *Members of the Armed Forces of the United States when*
30 *on duty.*

31 6. *The exemptions provided in subsection 5 do not include a*
32 *former peace officer who is retired for disability unless his former*
33 *employer has approved his fitness to carry a concealed weapon.*

34 7. *The provisions of paragraph (b) of subsection 2 do not*
35 *apply to any person who is licensed, authorized or permitted to*
36 *possess or use a machine gun or silencer pursuant to federal law.*
37 *The burden of establishing federal licensure, authorization or*
38 *permission is upon the person possessing the license,*
39 *authorization or permission.*

40 8. As used in this section:

41 (a) *“Concealed weapon” has the meaning ascribed to it in*
42 *NRS 202.3653.*

1 ***(b) “Honorably retired” means retired in Nevada after***
2 ***completion of 10 years of creditable service as a member of the***
3 ***public employees’ retirement system. A former peace officer is not***
4 ***“honorably retired” if he was discharged for cause or resigned***
5 ***before the final disposition of allegations of serious misconduct.***

6 ***(c) “Machine gun” means any weapon which shoots, is designed***
7 ***to shoot or can be readily restored to shoot more than one shot,***
8 ***without manual reloading, by a single function of the trigger.***

9 ~~***(b)***~~ ***(d) “Nunchaku” means an instrument consisting of two or***
10 ***more sticks, clubs, bars or rods connected by a rope, cord, wire or***
11 ***chain used as a weapon in forms of Oriental combat.***

12 ~~***(e)***~~ ***(e) “Silencer” means any device for silencing, muffling or***
13 ***diminishing the report of a firearm, including any combination of***
14 ***parts, designed or redesigned, and intended for use in assembling or***
15 ***fabricating a silencer or muffler, and any part intended only for use***
16 ***in such assembly or fabrication.***

17 ~~***(d)***~~ ***(f) “Switchblade knife” means a spring-blade knife, snap-***
18 ***blade knife or any other knife having the appearance of a pocket***
19 ***knife, any blade of which is 2 or more inches long and which can be***
20 ***released automatically by a flick of a button, pressure on the handle***
21 ***or other mechanical device, or is released by any type of***
22 ***mechanism.***

23 ~~***(e)***~~ ***(g) “Trefoil” means an instrument consisting of a metal***
24 ***plate having three or more radiating points with sharp edges,***
25 ***designed in the shape of a star, cross or other geometric figure and***
26 ***used as a weapon for throwing.***

27 **Sec. 15.** Section 4 of chapter 232, Statutes of Nevada 1997, at page
28 833, is hereby amended to read as follows:

29 Sec. 4. NRS 62.080 is hereby amended to read as follows:

30 62.080 1. Except as otherwise provided in subsection 2 ~~***if a***~~
31 ~~***child 14 years of age or older***~~ ***and section 1 of this act, if:***

32 ***(a) A child*** is charged with an offense ~~***which***~~ ***that*** would be a
33 felony if committed by an adult ~~***;***~~ ***and***

34 ***(b) The child was 14 years of age or older at the time he***
35 ***allegedly committed the offense,***
36 the juvenile ~~***division of the district***~~ court, ***upon a motion by the***
37 ***district attorney and*** after a full investigation, may retain
38 jurisdiction or certify the child for proper criminal proceedings to
39 any court ~~***which***~~ ***that*** would have jurisdiction to try the offense if
40 committed by an adult . ~~***;***~~ ~~***but a child must not be so certified unless***~~
41 ~~***he was 14 years of age or older at the time he allegedly committed***~~
42 ~~***the offense charged.***~~

43 2. If a child ~~***14 years of age or older is***~~ :

(a) *Is* charged with:

(1) A sexual assault involving the use or threatened use of force or violence against the victim; or

~~[(b) Any offense]~~

(2) *An offense or attempted offense* involving the use or threatened use of a ~~[deadly weapon or an attempt to commit such an offense, and the child was]~~ *firearm; and*

(b) *Was* 14 years of age or older at the time he allegedly committed the offense, ~~[charged,]~~ the juvenile ~~[division of the district court, after]~~ *court, upon a motion by the district attorney and after a* full investigation, shall certify the child for proper criminal proceedings to any court ~~[which]~~ *that* would have jurisdiction to try the offense if committed by an adult, unless the court specifically finds *by clear and convincing evidence* that the ~~[child was not a principal actor in the offense or that exceptional circumstances exist because the]~~ child's actions were substantially the result of his substance abuse or emotional or behavioral problems and such substance abuse or problems may be appropriately treated through the jurisdiction of the juvenile ~~[division.]~~

~~—3.— Except as otherwise provided in subsection 4, after such]~~
court.

3. If a child is certified for criminal proceedings as an adult pursuant to subsection 1 or 2, the court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the offense for which the child was certified, regardless of the nature of the related offense.

4. If a child has been certified for [proper] criminal proceedings as an adult pursuant to subsection 1 or 2 and his case has been transferred out of the juvenile [division,] court, original jurisdiction of his person for that case [and any offense with which he is later charged] rests with the court [which would have jurisdiction of the offense if the offense were committed by an adult and he may thereafter] to which the case has been transferred, and the child may petition for transfer of his case back to the juvenile [division] court only upon a showing of exceptional circumstances. If [a child is remanded to the juvenile division,] the child's case is transferred back to the juvenile court, the judge of that [division] court shall determine whether the exceptional circumstances warrant accepting jurisdiction.

1 ~~[4.— If a child is certified as an adult pursuant to subsection 1,~~
2 ~~original jurisdiction of his person for any offense with which he is~~
3 ~~later charged does not rest with the court which would have~~
4 ~~jurisdiction of the offense if the offense were committed by an adult~~
5 ~~if the case that was transferred out of the juvenile division is~~
6 ~~dismissed or he is found not guilty of those charges.]~~

7 **Sec. 16.** Section 3 of chapter 234, Statutes of Nevada 1997, at page
8 839, is hereby amended to read as follows:

9 Sec. 3. NRS 483.840 is hereby amended to read as follows:

10 483.840 1. The form of the identification cards must be
11 similar to that of drivers' licenses but distinguishable in color or
12 otherwise.

13 2. Identification cards do not authorize the operation of any
14 motor vehicles.

15 3. Identification cards must include the following information
16 concerning the holder:

17 (a) Name and sample signature of holder.

18 (b) ~~[The]~~ A unique identification number assigned to the holder
19 ~~[which must not be]~~ *that is not* based on the holder's social security
20 number. ~~[, if any.]~~

21 (c) Personal description.

22 (d) Date of birth.

23 (e) Current address in this state.

24 (f) A colored photograph of the holder in full face if he is 21
25 years of age or older, or a colored photograph in profile if he is
26 under 21 years of age.

27 4. At the time of the issuance of the identification card, the
28 department shall give the holder the opportunity to indicate on his
29 identification card that he wishes to be a donor of all or part of his
30 body pursuant to NRS 451.500 to 451.590, inclusive, or that he
31 refuses to make an anatomical gift of his body or part of his body.

32 **Sec. 17.** Section 2 of chapter 238, Statutes of Nevada 1997, at page
33 843, is hereby amended to read as follows:

34 Sec. 2. NRS 562.090 is hereby amended to read as follows:

35 562.090 1. Each member of the board is entitled to receive
36 for his services \$500 per year or a lesser amount if and as
37 determined by a majority of the board.

38 2. Salaries and compensation must be paid from the state *or*
39 *county* treasury *in which the state sheep inspection account is*
40 *located* in the same manner as the salaries of state *or county*
41 officers.

1 **Sec. 18.** Section 1 of chapter 255, Statutes of Nevada 1997, at page
2 899, is hereby amended to read as follows:

3 Section 1. Chapter 176 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 1. *If a fine, administrative assessment, fee or restitution is*
6 *imposed upon a defendant pursuant to this chapter, whether or*
7 *not the fine, administrative assessment, fee or restitution is in*
8 *addition to any other punishment, and the fine, administrative*
9 *assessment, fee or restitution or any part of it remains unpaid*
10 *after the time established by the court for its payment, the*
11 *defendant is liable for a collection fee, to be imposed by the court*
12 *at the time it finds that the fine, administrative assessment, fee or*
13 *restitution is delinquent, of:*

14 (a) *Not more than \$100, if the amount of the delinquency is*
15 *less than \$2,000.*

16 (b) *Not more than \$500, if the amount of the delinquency is*
17 *\$2,000 or greater, but is less than \$5,000.*

18 (c) *Ten percent of the amount of the delinquency, if the*
19 *amount of the delinquency is \$5,000 or greater.*

20 2. *A state or local entity that is responsible for collecting a*
21 *delinquent fine, administrative assessment, fee or restitution may,*
22 *in addition to attempting to collect the fine, administrative*
23 *assessment, fee or restitution through any other lawful means,*
24 *take any or all of the following actions:*

25 (a) *Report the delinquency to reporting agencies that assemble*
26 *or evaluate information concerning credit.*

27 (b) *Request that the court take appropriate action pursuant to*
28 *subsection 3.*

29 (c) *Contract with a collection agency licensed pursuant to NRS*
30 *649.075 to collect the delinquent amount and the collection fee.*
31 *The collection agency must be paid as compensation for its*
32 *services an amount not greater than the amount of the collection*
33 *fee imposed pursuant to subsection 1, in accordance with the*
34 *provisions of the contract.*

35 3. *The court may, on its own motion or at the request of a*
36 *state or local entity that is responsible for collecting the*
37 *delinquent fine, administrative assessment, fee or restitution, take*
38 *any or all of the following actions, in the following order of*
39 *priority if practicable:*

40 (a) *Request that a prosecuting attorney undertake collection of*
41 *the delinquency, including, without limitation, the original*
42 *amount and the collection fee, by attachment or garnishment of*
43 *the defendant's property, wages or other money receivable.*

1 (b) Order the suspension of the driver's license of the
2 defendant. If the defendant does not possess a driver's license, the
3 court may prohibit the defendant from applying for a driver's
4 license for a specified period. If the defendant is already the
5 subject of a court order suspending or delaying the issuance of
6 his driver's license, the court may order the additional suspension
7 or delay, as appropriate, to apply consecutively with the previous
8 order. At the time the court issues an order suspending the
9 driver's license of a defendant pursuant to this paragraph, the
10 court shall require the defendant to surrender to the court all
11 driver's licenses then held by the defendant. The court shall,
12 within 5 days after issuing the order, forward to the department of
13 motor vehicles and public safety the licenses, together with a copy
14 of the order. At the time the court issues an order pursuant to this
15 paragraph delaying the ability of a defendant to apply for a
16 driver's license, the court shall, within 5 days after issuing the
17 order, forward to the department of motor vehicles and public
18 safety a copy of the order. The department of motor vehicles and
19 public safety shall report a suspension pursuant to this paragraph
20 to an insurance company or its agent inquiring about the
21 defendant's driving record, but such a suspension must not be
22 considered for the purpose of rating or underwriting.

23 (c) For a delinquent fine or administrative assessment, order
24 the confinement of the person in the appropriate prison, jail or
25 detention facility, as provided in NRS 176.065 and 176.075.

26 4. Money collected from a collection fee imposed pursuant to
27 subsection 1 must be distributed in the following manner:

28 (a) Except as otherwise provided in paragraph (d), if the
29 money is collected by or on behalf of a municipal court, the
30 money must be deposited in a special fund in the appropriate city
31 treasury. The city may use the money in the fund only to develop
32 and implement a program for the collection of fines,
33 administrative assessments, fees and restitution.

34 (b) Except as otherwise provided in paragraph (d), if the
35 money is collected by or on behalf of a justice's court or district
36 court, the money must be deposited in a special fund in the
37 appropriate county treasury. The county may use the money in
38 the special fund only to develop and implement a program for the
39 collection of fines, administrative assessments, fees and
40 restitution.

41 (c) Except as otherwise provided in paragraph (d), if the
42 money is collected by a state entity, the money must be deposited
43 in an account, which is hereby created in the state treasury. The

1 *court administrator may use the money in the account only to*
2 *develop and implement a program for the collection of fines,*
3 *administrative assessments, fees and restitution in this state.*

4 *(d) If the money is collected by a collection agency, after the*
5 *collection agency has been paid its fee pursuant to the terms of*
6 *the contract, any remaining money must be deposited in the state,*
7 *city or county treasury, whichever is appropriate, to be used only*
8 *for the purposes set forth in paragraph (a), (b) or (c) of this*
9 *subsection.*

10 **Sec. 19.** Chapter 284, Statutes of Nevada 1997, at page 972, is hereby
11 amended by adding thereto new sections to be designated as sections 28.1
12 and 28.2, immediately following section 28, to read respectively as follows:

13 Sec. 28.1. NRS 396.360 is hereby amended to read as follows:

14 396.360 The interest derived from the irreducible university
15 fund ~~[, together with all moneys paid as interest on deferred~~
16 ~~installments on purchase of lands described in NRS 396.350 which~~
17 ~~may be sold under contract as provided in NRS 321.240,]~~ shall be
18 and constitute a fund to be known as the contingent university fund.

19 Sec. 28.2. NRS 396.370 is hereby amended to read as follows:

20 396.370 1. The following money is hereby set aside and
21 inviolably appropriated for the support and maintenance of the
22 system, and must be paid out for the purposes designated by law
23 creating the several funds:

24 (a) The interest derived from the investment of all money from
25 the sale of the 90,000 acres of land granted to the State of Nevada
26 by the Act of Congress entitled “An Act donating Public Lands to
27 the several States and Territories which may provide Colleges for
28 the Benefit of Agriculture and the Mechanic Arts,” approved July 2,
29 1862 (c. 130, 12 Stat. 503).

30 (b) The interest derived from the investment of all money from
31 the sale of the 72 sections of land granted to the State of Nevada by
32 the Act of Congress entitled “An act concerning certain Lands
33 granted to the State of Nevada,” approved July 4, 1866 (c. 166, 14
34 Stat. 86), for the establishment and maintenance of a university.

35 ~~[(c) All money paid as interest on deferred installments on the~~
36 ~~purchase of lands named in this section which may be sold under~~
37 ~~contract as provided in NRS 321.240.]~~

38 2. Additional state maintenance and support of the system must
39 be provided by direct legislative appropriation from the general
40 fund, upon the presentation of budgets in the manner required by
41 law.

1 **Sec. 20.** Sections 1 and 3 of chapter 285, Statutes of Nevada 1997, at
2 page 973, are hereby amended to read respectively as follows:

3 Section 1. Section 158 of chapter 580, Statutes of Nevada
4 1995, at page 2051, is hereby amended to read as follows:

5 Sec. 158. *1. No insurer is required to issue to any*
6 *particular employer a policy for industrial insurance.*

7 *2. The commissioner shall approve a plan submitted by the*
8 *advisory organization for equitable apportionment among*
9 *insurers of those persons who in good faith are entitled to*
10 *insurance but who have not been accepted by an insurer. Every*
11 *insurer shall participate in the plan. The commissioner shall*
12 *adopt regulations to carry out the plan.*

13 *3. The advisory organization shall submit to the*
14 *commissioner the rates, supplementary rate information and*
15 *forms for policies for the plan at least 60 days before they*
16 *become effective. The rates submitted to the commissioner*
17 *must:*

18 *(a) Reflect the experience of the persons insured pursuant to*
19 *the plan to the extent that those rates are actuarially*
20 *appropriate.*

21 *(b) Be actuarially determined to ensure that the plan is self-*
22 *sustaining.*

23 *4. The commissioner shall disapprove any rates for the*
24 *plan which do not meet the standards of NRS 686B.050. The*
25 *rates shall be deemed to be approved unless they are*
26 *disapproved by the commissioner within 60 days after they are*
27 *filed pursuant to the procedures in NRS 686B.1775.*

28 Sec. 3. ~~{1.—This section and section 2 of this act become}~~
29 *This act becomes* effective upon passage and approval.

30 ~~{2.—Section 1 of this act becomes effective at 12:01 a.m. on July~~
31 ~~1, 1999.}~~

32 **Sec. 21.** Section 55 of chapter 286, Statutes of Nevada 1997, at page
33 1002, is hereby amended to read as follows:

34 Sec. 55. NRS 666.405 is hereby amended to read as follows:

35 666.405 1. Except as otherwise provided in this section, an
36 out-of-state depository institution without a branch in Nevada, or an
37 out-of-state holding company without a depository institution in
38 Nevada, may acquire a Nevada depository institution and convert
39 the institution to a branch of the out-of-state depository institution
40 or depository institution of the out-of-state holding company. If the
41 Nevada depository institution is chartered after September 28,
42 1995, the Nevada depository institution may be so acquired only if
43 it has been in existence for at least 5 years.

2. For the purposes of ~~[this subsection, a]~~ **subsection 1:**
(a) A depository institution chartered solely for the purpose of acquiring another depository institution ~~[is considered]~~ **shall be deemed** to have been in existence for the same period as the depository institution to be acquired, ~~[so]~~ **as** long as ~~[it]~~ **the acquiring depository institution** does not open for business at any time before the acquisition.

~~[2.]~~ (b) **A bank that was originally chartered as a corporation or limited-liability company other than a depository institution shall be deemed to have been in existence for the period since a certificate of amendment of its articles of incorporation or organization was filed pursuant to NRS 659.035 to reorganize the corporation or limited-liability company as a bank.**

(c) **A bank that was originally chartered as a Nevada depository institution other than a bank shall be deemed to have been in existence for the period since the original articles of incorporation or organization of the depository institution were filed with the secretary of state.**

(d) **If a Nevada depository institution becomes the successor in interest to the business of an out-of-state depository institution without a branch bank in this state that previously acquired a Nevada depository institution or to an out-of-state holding company without a branch bank in this state that previously acquired a Nevada depository institution, the commissioner shall include the period of existence of the original Nevada depository institution when determining the period of existence of the successor Nevada depository institution.**

3. If the commissioner considers it necessary to protect depositors, creditors and other customers of a failing depository institution or a failing holding company which controls a depository institution, he may authorize the acquisition of the institution or company by, or its merger with, another institution or company regardless of the duration of existence of the failing depository institution or failing holding company.

~~[3.]~~ 4. The restriction **set forth** in subsection 1 does not apply to an acquisition of, or merger between, affiliated depository institutions.

Sec. 22. Section 5 of chapter 312, Statutes of Nevada 1997, at page 1172, is hereby amended to read as follows:

Sec. 5. NRS 361.157 is hereby amended to read as follows:

361.157 1. When any real estate or portion of real estate which for any reason is exempt from taxation is leased, loaned or otherwise made available to and used by a natural person,

1 association, partnership or corporation in connection with a
2 business conducted for profit or as a residence, or both, the
3 leasehold interest, possessory interest, beneficial interest or
4 beneficial use of the lessee or user of the property is subject to
5 taxation to the extent the:

6 (a) Portion of the property leased or used; and
7 (b) Percentage of time during the fiscal year that the property is
8 leased by the lessee or used by the user,
9 can be segregated and identified. The taxable value of the interest
10 or use must be determined in the manner provided in subsection 3
11 of NRS 361.227.

12 2. Subsection 1 does not apply to:

13 (a) Property located upon a public airport, park, market or
14 fairground or any property owned by a public airport, unless the
15 property owned by the public airport is not located upon the public
16 airport and the property is leased, loaned or otherwise made
17 available for purposes other than for the purposes of a public
18 airport, including, without limitation, residential, commercial or
19 industrial purposes;

20 (b) Federal property for which payments are made in lieu of
21 taxes in amounts equivalent to taxes which might otherwise be
22 lawfully assessed;

23 (c) Property of any state-supported educational institution;

24 (d) Property leased or otherwise made available to and used by a
25 natural person, private association, private corporation, municipal
26 corporation, quasi-municipal corporation or a political subdivision
27 under the provisions of the Taylor Grazing Act or by the United
28 States Forest Service or the Bureau of Reclamation of the United
29 States Department of the Interior;

30 (e) Property of any Indian or of any Indian tribe, band or
31 community which is held in trust by the United States or subject to a
32 restriction against alienation by the United States;

33 (f) Vending stand locations and facilities operated by blind
34 persons under the auspices of the bureau of services to the blind
35 **and visually impaired** of the rehabilitation division of the
36 department of employment, training and rehabilitation, whether or
37 not the property is owned by the federal, state or a local
38 government;

39 (g) Leases held by a natural person, corporation, association,
40 municipal corporation, quasi-municipal corporation or political
41 subdivision for development of geothermal resources, but only for
42 resources which have not been put into commercial production;

1 (h) The use of exempt property that is leased, loaned or made
2 available to a public officer or employee, incident to or in the
3 course of public employment;

4 (i) A parsonage owned by a recognized religious society or
5 corporation when used exclusively as a parsonage;

6 (j) Property owned by a charitable or religious organization all
7 or a portion of which is made available to and is used as a residence
8 by a natural person in connection with carrying out the activities of
9 the organization;

10 (k) Property owned by a governmental entity and used to provide
11 shelter at a reduced rate to elderly persons or persons having low
12 incomes;

13 (l) The occasional rental of meeting rooms or similar facilities
14 for periods of less than 30 consecutive days; or

15 (m) The use of exempt property to provide day care for children
16 if the day care is provided by a nonprofit organization.

17 3. Taxes must be assessed to lessees or users of exempt real
18 estate and collected in the same manner as taxes assessed to owners
19 of other real estate, except that taxes due under this section do not
20 become a lien against the property. When due, the taxes constitute a
21 debt due from the lessee or user to the county for which the taxes
22 were assessed and, if unpaid, are recoverable by the county in the
23 proper court of the county.

24 4. As used in this section, the term “park” does not include a
25 golf course.

26 **Sec. 23.** Sections 3, 17 and 23 of chapter 314, Statutes of Nevada
27 1997, at pages 1179, 1190 and 1193, respectively, are hereby amended to
28 read respectively as follows:

29 Sec. 3. NRS 200.366 is hereby amended to read as follows:

30 200.366 1. A person who subjects another person to sexual
31 penetration, or who forces another person to make a sexual
32 penetration on himself or another, or on a beast, against the
33 ~~[victim's]~~ will *of the victim* or under conditions in which the
34 perpetrator knows or should know that the victim is mentally or
35 physically incapable of resisting or understanding the nature of his
36 conduct, is guilty of sexual assault.

37 2. Except as otherwise provided in subsection 3, a person who
38 commits a sexual assault is guilty of a category A felony and shall
39 be punished:

40 (a) If substantial bodily harm to the victim results from the
41 actions of the defendant committed in connection with or as a part
42 of the sexual assault, by imprisonment in the state prison:

43 (1) For life without the possibility of parole;

1 (2) For life with the possibility of parole, with eligibility for
2 parole beginning when a minimum of 15 years has been served; or

3 (3) For a definite term of 40 years, with eligibility for parole
4 beginning when a minimum of 15 years has been served.

5 (b) If no substantial bodily harm to the victim results ~~for~~:

6 ~~—(1) By~~, *by* imprisonment in the state prison ~~for~~ :

7 (1) *For* life, with the possibility of parole, with eligibility for
8 parole beginning when a minimum of 10 years has been served; or

9 (2) ~~{By imprisonment in the state prison for}~~ *For* a definite
10 term of 25 years, with eligibility for parole beginning when a
11 minimum of 10 years has been served.

12 3. A person who commits a sexual assault against a child under
13 the age of 16 years is guilty of a category A felony and shall be
14 punished:

15 (a) If the crime results in substantial bodily harm to the child, by
16 imprisonment in the state prison for life without the possibility of
17 parole.

18 (b) Except as otherwise provided in paragraph (c), if the crime
19 does not result in substantial bodily harm to the child, by
20 imprisonment in the state prison ~~for~~:

21 ~~—(1) Life~~ :

22 (1) *For life* with the possibility of parole, with eligibility for
23 parole beginning when a minimum of 20 years has been served; or

24 (2) ~~{A}~~ *For a* definite term of ~~{not less than 5 years nor more~~
25 ~~than 20 years, without the possibility of parole.}~~ *20 years, with*
26 *eligibility for parole beginning when a minimum of 5 years has*
27 *been served.*

28 (c) If the crime is committed against a child under the age of 14
29 years and does not result in substantial bodily harm to the child, by
30 imprisonment in the state prison for life with the possibility of
31 parole, with eligibility for parole beginning when a minimum of 20
32 years has been served.

33 Sec. 17. NRS 616B.374 is hereby amended to read as follows:

34 616B.374 1. Except as otherwise provided in this section, a
35 person shall not advertise or offer for sale in this state any policies
36 or memberships or solicit or receive any money, subscriptions,
37 applications, premiums, assessments, memberships or any other fee
38 or charge in connection with a proposed association of self-insured
39 public or private employers unless he has obtained a solicitor's
40 permit from the commissioner.

41 2. To obtain a solicitor's permit, a person must file a written
42 application with the commissioner. The application must include:

1 (a) The name, type and purposes of the association formed or
2 proposed to be formed or financed;

3 (b) The name, residential address, business, professional or
4 employment experience for the preceding 10 years and
5 qualifications of each person associated or to be associated as
6 director, promoter, manager, member of the board or in other
7 similar capacity in the association, or in the formation of the
8 proposed association or in the proposed financing, together with the
9 fingerprints of each person so associated or to be associated, on
10 forms furnished by the commissioner;

11 (c) A full disclosure of the terms of all pertinent understandings
12 and agreements existing or proposed among any persons or entities
13 so associated or to be associated, and a copy of each such
14 agreement;

15 (d) A copy of the articles of incorporation and bylaws of a
16 solicitor, if incorporated;

17 (e) The plan according to which solicitations are to be made and
18 a reasonably detailed estimate of all administrative and sales
19 expenses to be incurred;

20 (f) A copy of any certificate proposed to be offered, and a copy
21 of any proposed application therefor;

22 (g) A copy of any prospectus, offering circular, advertising or
23 sales literature or materials proposed to be used;

24 (h) Proof of an escrow account and agreement for the deposit of
25 all funds collected during the formation of the association; and

26 (i) Such additional pertinent information as the commissioner
27 may reasonably require.

28 3. The application must be accompanied by a fee of \$500 for
29 the filing of the application and for the issuance of the permit, if
30 granted. A solicitor must submit this fee each year thereafter if he
31 continues to recruit new members for an association.

32 4. A person who violates subsection 1 **is guilty of a category D**
33 **felony and** shall be punished ~~[by imprisonment in the state prison~~
34 ~~for a definite term of not less than 1 year nor more than 6 years, or~~
35 ~~by a fine of \$5,000, or by both fine and imprisonment. A person~~
36 ~~who is sentenced to imprisonment becomes eligible for parole when~~
37 ~~he has served one third of the definite term for which he has been~~
38 ~~sentenced, less any credit earned to reduce his sentence pursuant to~~
39 ~~chapter 209 of NRS.] as provided in NRS 193.130.~~

40 5. The provisions of this section do not apply to:

41 (a) A bona fide trade association that has been in existence for at
42 least 5 years and solicits members of its trade association; or

43 (b) A person who is employed by:

- 1 (1) Current members of an association; or
- 2 (2) Employers that are considering membership in an
- 3 association,
- 4 whose primary duties do not include solicitation of potential
- 5 members of the association.

6 Sec. 23. 1. This section and sections 2, ~~{3,}~~ 5 to 12,

7 inclusive, and 14 to 22, inclusive, become effective on October 1,

8 1997.

9 2. ~~{Section}~~ *Sections 3 and* 4 of this act ~~{becomes}~~ *become*

10 effective at 12:01 a.m. on October 1, 1997.

11 3. Sections 1 and 13 of this act become effective on July 1,

12 1998.

13 **Sec. 24.** Section 1 of chapter 330, Statutes of Nevada 1997, at page

14 1224, is hereby amended to read as follows:

15 Section 1. Chapter 37 of NRS is hereby amended by adding

16 thereto a new section to read as follows:

17 *1. Except as otherwise provided in subsection 2, only a public*

18 *agency may exercise the power of eminent domain pursuant to*

19 *the provisions of this chapter.*

20 *2. Except as otherwise provided in section 23 of Senate Bill*

21 *No. 314 of this session, the power of eminent domain may be*

22 *exercised by a person who is not a public agency pursuant to NRS*

23 *37.230 and subsections 6, 8, 10, 13 and 16 of NRS 37.010.*

24 *3. As used in this section, “public agency” means an agency*

25 *or political subdivision of this state or the United States.*

26 **Sec. 25.** Section 2 of chapter 331, Statutes of Nevada 1997, at page

27 1225, is hereby amended to read as follows:

28 Sec. 2. NRS 213.400 is hereby amended to read as follows:

29 213.400 *1.* If an offender is absent, without authorization,

30 from his residence, employment, treatment, including, but not

31 limited to, medical treatment, or any other activity authorized by the

32 division ~~{~~

33 ~~1. He}~~, *he* shall be deemed an escaped prisoner ~~{;}~~ and *shall be*

34 *punished as provided in NRS 212.090.*

35 2. The chief parole and probation officer may issue a warrant

36 for ~~{his arrest. A peace officer shall execute}~~ the *arrest of the*

37 *offender. The* warrant *must be executed by a peace officer* in the

38 same manner as ordinary criminal process.

39 **Sec. 26.** Section 6 of chapter 345, Statutes of Nevada 1997, at page

40 1265, is hereby amended to read as follows:

41 Sec. 6. NRS 361A.031 is hereby amended to read as follows:

42 361A.031 1. “Converted to a higher use” means:

1 (a) A physical alteration of the surface of the property enabling it
2 to be used for a higher use;

3 (b) The recording of a final map or parcel map which creates one
4 or more parcels not intended for agricultural use;

5 (c) The existence of a final map or parcel map which creates one
6 or more parcels not intended for agricultural use; or

7 (d) A change in zoning to a higher use made at the request of the
8 owner.

9 2. The term does not apply to the property remaining after a
10 portion of the parcel is converted to higher use pursuant to
11 paragraph (b) or (c) of subsection 1 if the remaining portion
12 continues to qualify as agricultural real property.

13 3. *The term does not include leasing the land to or otherwise*
14 *permitting the land to be used by an agricultural association*
15 *formed pursuant to chapter 547 of NRS.*

16 4. As used in this section:

17 (a) "Final map" has the meaning ascribed to it in NRS 278.0145.

18 (b) "Parcel map" has the meaning ascribed to it in NRS 278.017.

19 **Sec. 27.** Section 2 of chapter 355, Statutes of Nevada 1997, at page
20 1291, is hereby amended to read as follows:

21 Sec. 2. NRS 250.040 is hereby amended to read as follows:

22 250.040 In case of a vacancy in the office of the county
23 assessor, or failure of any county assessor to qualify as required in
24 this chapter, the board of county commissioners, within 45 days
25 after the vacancy or failure to qualify occurs, shall appoint ~~some~~
26 ~~suitable person possessing the qualifications of an elector, residing~~
27 ~~within such county,~~ *a person pursuant to NRS 245.170* to fill the
28 vacancy. The person ~~thus~~ appointed shall give bond and take the
29 oath of office prescribed by law that is required of county assessors
30 elected by the people . ~~[-, and shall hold his office until the next~~
31 ~~ensuing biennial election.]~~

32 **Sec. 28.** Section 2 of chapter 377, Statutes of Nevada 1997, at page
33 1325, is hereby amended to read as follows:

34 Sec. 2. NRS 207.080 is hereby amended to read as follows:

35 207.080 1. Except as otherwise provided in subsection 2, as
36 used in NRS 207.080 to 207.150, inclusive, *and section 1 of this*
37 *act*, unless the context otherwise requires, "convicted person"
38 means:

39 (a) ~~[Any]~~ *A* person convicted in the State of Nevada of an
40 offense *that is* punishable as a felony or convicted in any place
41 other than the State of Nevada of a felony ~~for any other offense~~
42 ~~which is punishable by imprisonment for 1 year or more.~~

43 ~~—(b) Any];~~

1 **(b)** A person convicted in the State of Nevada, or elsewhere, of
2 the violation of ~~{any}~~ **a** law, *regardless of* whether ~~{or not}~~ the
3 violation is punishable as a felony:

4 (1) Relating to or regulating the possession, distribution,
5 furnishing or use of ~~{any}~~ **a** habit-forming drug of the kind or
6 character described and referred to in the Uniform Controlled
7 Substances Act ; ~~{;}~~

8 (2) Regulating or prohibiting the carrying, possession or
9 ownership of ~~{any}~~ **a** concealed weapon, ~~{or}~~ deadly weapon ~~{; or}~~
10 ~~any~~ **or** weapon capable of being concealed, or regulating or
11 prohibiting the possession, sale or use of ~~{any}~~ **a** device, instrument
12 or attachment designed or intended to be used to silence the report
13 or conceal the discharge or flash of any firearm ~~{;}~~ ; **or**

14 (3) Regulating or prohibiting the use, possession, manufacture
15 or compounding of tear gas, or any other gas, ~~{which}~~ **that** may be
16 used to disable temporarily or permanently ~~{any}~~ **a** human being ~~{;~~

17 ~~—(c) Any person convicted of a crime in the State of Nevada~~
18 ~~pursuant to the provisions of NRS 122.220, 201.120 to 201.170,~~
19 ~~inclusive, 201.249, 201.251, 201.270, 201.360 to 201.400,~~
20 ~~inclusive, 201.420, 202.040, 202.055, 202.200 to 202.230,~~
21 ~~inclusive, 202.2493, 212.170, 212.180, 433.564, 451.010 to~~
22 ~~451.040, inclusive, 452.300, 465.070 to 465.085, inclusive,~~
23 ~~646.010 to 646.060, inclusive, or 647.110 to 647.145, inclusive, or~~
24 ~~chapter 462 of NRS, or convicted in any place other than the State~~
25 ~~of Nevada of an offense which, if committed in this state, would~~
26 ~~have been punishable under one or more of those sections.~~

27 ~~—(d) Any~~ ; **or**

28 **(c)** A person convicted in the State of Nevada , or elsewhere , of
29 ~~{any}~~ **an** attempt or **a** conspiracy to commit ~~{any}~~ **an** offense
30 described or referred to in NRS 207.080 to 207.150, inclusive.

31 2. For the purposes of NRS 207.080 to 207.150, inclusive,
32 “convicted person” does not include:

33 (a) A person who has been convicted of a crime against a child,
34 as defined in section 34 of ~~{this act,}~~ *Senate Bill No. 325 of this*
35 *session*, or a sexual offense, as defined in section 48 of ~~{this act;}~~
36 *Senate Bill No. 325 of this session;* or

37 (b) Except as otherwise provided in NRS 207.090 to 207.150,
38 inclusive, a person whose conviction is or has been set aside in the
39 manner provided by law.

1 **Sec. 29.** 1. Section 31 of chapter 390, Statutes of Nevada 1997, at
2 page 1377, is hereby amended to read as follows:

3 Sec. 31. 1. This section and sections 1 to 10, inclusive, ~~and~~
4 13 to **26, inclusive, and 27 to** 30, inclusive, of this act become
5 effective upon passage and approval.

6 2. Sections 11 and 12 of this act become effective upon passage
7 and approval for the purpose of appointing members to the advisory
8 board on the repair of motor vehicles and on July 1, 1997, for all
9 other purposes, and expire by limitation on July 1, 1999.

10 **3. Section 26.1 of this act becomes effective on July 2, 1999.**

11 2. Chapter 390, Statutes of Nevada 1997, at page 1376, is hereby
12 amended by adding thereto a new section to be designated as section 26.1,
13 immediately following section 26, to read as follows:

14 Sec. 26.1. Sections 2 and 8 of this act are hereby amended to
15 read respectively as follows:

16 Sec. 2. As used in sections 2 to ~~12,~~ **10**, inclusive, of this
17 act, unless the context otherwise requires, the words and terms
18 defined in sections 3 to 6, inclusive, of this act have the meanings
19 ascribed to them in those sections.

20 Sec. 8. 1. On and after January 1, 1998, a garageman shall
21 register with the department for authorization to operate a garage.

22 2. An application for registration must be on a form provided
23 by the department. The application must include:

24 (a) The name of the applicant, including each name under
25 which he intends to do business;

26 (b) The complete street address of each location from which
27 the applicant will be conducting business, including a designation
28 of the location that will be his principal place of business;

29 (c) A copy of the business license for each garage operated by
30 the applicant if the county or city in which the applicant operates
31 a garage requires such a license;

32 (d) The type of repair work offered at each garage operated by
33 the applicant;

34 (e) The number of mechanics employed at each garage
35 operated by the applicant; and

36 (f) Any other information required by the department.

37 3. For each garage operated by an applicant, the department
38 shall charge a fee of \$25 for the issuance or renewal of
39 registration. If an applicant operates more than one garage, he
40 may file one application if he clearly indicates on the application
41 the location of each garage operated by the applicant and each
42 person responsible for the management of each garage.

1 4. ~~[Except as otherwise provided in section 11 of this act, all]~~
2 *All* fees collected pursuant to this section must be deposited with
3 the state treasurer to the credit of the account for regulation of
4 salvage pools, automobile wreckers, body shops and garages.

5 5. An applicant for registration or renewal of registration
6 shall notify the department of any material change in the
7 information contained in his application for registration or
8 renewal within 10 days after his knowledge of the change.

9 **Sec. 30.** Section 4 of chapter 392, Statutes of Nevada 1997, at page
10 1380, is hereby amended to read as follows:

11 Sec. 4. NRS 504.165 is hereby amended to read as follows:

12 504.165 1. The commission shall adopt regulations governing
13 the disbursement of money to:

14 (a) Prevent or mitigate damage to private property and privately
15 maintained improvements; and

16 (b) Compensate persons for grazing reductions and the loss of
17 stored and standing crops,
18 caused by elk or game mammals not native to this state.

19 2. The regulations must contain:

20 (a) Requirements for the eligibility of those persons claiming
21 damage to private property or privately maintained improvements to
22 receive money or materials from the division, including a
23 requirement that such a person enter into a cooperative agreement
24 with the administrator for purposes related to this Title.

25 (b) Procedures for the formation of local panels to assess
26 damage caused by elk or game mammals not native to this state and
27 to determine the value of a loss claimed if the person claiming the
28 loss and the division do not agree on the value of the loss.

29 (c) Procedures for the use on private property of materials
30 purchased by the state to prevent damage caused by elk or game
31 mammals not native to this state.

32 (d) Any other regulations necessary to carry out the provisions of
33 this section and NRS 504.155 and 504.175.

34 3. *The regulations must:*

35 (a) *Provide for the payment of money or other compensation*
36 *to cover the costs of labor and materials necessary to prevent or*
37 *mitigate damage to private property and privately maintained*
38 *improvements caused by elk or game mammals not native to this*
39 *state.*

40 (b) *Prohibit a person who has, within a particular calendar*
41 *year, applied for or received a special incentive elk tag pursuant*
42 *to section 2 of this act from applying, within the same calendar*

1 *year, for compensation pursuant to this section for the same*
2 *private land.*

3 4. Money may not be disbursed to a claimant pursuant to this
4 section unless the claimant shows by a preponderance of the
5 evidence that the damage for which he is seeking compensation was
6 caused solely by elk or game mammals not native to this state.

7 **Sec. 31.** Sections 2 to 5, inclusive, of chapter 395, Statutes of Nevada
8 1997, at pages 1385 and 1386, are hereby amended to read respectively as
9 follows:

10 Sec. 2. NRS 483.810 is hereby amended to read as follows:

11 483.810 The legislature finds and declares that:

12 1. A need exists in this state for the creation of a system of
13 identification for:

14 (a) Residents who are 10 years of age or older and who do not
15 hold a valid driver's license or identification card from any state or
16 jurisdiction; and

17 (b) Seasonal residents who are 10 years of age or older and who
18 do not hold a valid Nevada driver's license.

19 2. To serve this purpose, official identification cards must be
20 prepared for issuance to those residents and seasonal residents who
21 are 10 years of age or older and who ~~["wish-to"]~~ apply *and qualify* for
22 them. The cards must be designed in such form and distributed
23 pursuant to such controls that they will merit the general
24 acceptability of drivers' licenses for personal identification.

25 Sec. 3. NRS 483.820 is hereby amended to read as follows:

26 483.820 1. A person who ~~["makes an application pursuant to~~
27 ~~this chapter who:~~

28 ~~—(a) Is a]~~ *applies for an identification card in accordance with*
29 *the provisions of NRS 483.810 to 483.890, inclusive, is entitled to*
30 *receive an identification card if he is:*

31 (a) A resident of this state and is 10 years of age or older and
32 does not hold a valid driver's license or identification card from any
33 state or jurisdiction; or

34 (b) ~~["Is a"]~~ A seasonal resident who does not hold a valid Nevada
35 driver's license . ~~["~~
36 ~~is entitled to receive an identification card.]~~

37 2. The department shall charge and collect the following fees
38 for issuance of an original, duplicate and changed identification
39 card:

40
41 An original or duplicate identification card issued to a
42 person 65 years of age or older.....\$4

1 An original or duplicate identification card issued to a
2 person under 18 years of age\$3
3 An original or duplicate identification card issued to any
4 other person9
5 A new photograph ~~[,]~~ or change of name, ~~[change of other~~
6 ~~information, except address, or any combination]~~ or
7 ~~both~~4

8
9 3. The department shall not charge a fee for an identification
10 card issued to a person who has voluntarily surrendered his driver's
11 license pursuant to NRS 483.420.

12 Sec. 4. NRS 483.850 is hereby amended to read as follows:

13 483.850 1. Every application for an identification card must
14 be made upon a form provided by the department and include:

- 15 (a) The applicant's full name.
16 (b) His social security number, if any.
17 (c) His date of birth.
18 (d) His state of legal residence.
19 (e) His current address in this state, unless the applicant is on
20 active duty in the military service of the United States.
21 (f) A statement from:

22 (1) A resident stating that he does not hold a valid driver's
23 license or identification card from any state or jurisdiction; or

24 (2) A seasonal resident stating that he does not hold a valid
25 Nevada driver's license.

26 2. When the form is completed, the applicant must sign the
27 form and verify the contents before a person authorized to
28 administer oaths.

29 3. At the time of applying for an identification card, an
30 applicant may, if eligible, register to vote pursuant to NRS 293.524.

31 ***4. A person who possesses a driver's license or identification***
32 ***card issued by another state or jurisdiction who wishes to apply***
33 ***for an identification card pursuant to this section shall surrender***
34 ***to the department the driver's license or identification card issued***
35 ***by the other state or jurisdiction at the time he applies for an***
36 ***identification card pursuant to this section.***

37 Sec. 5. NRS 483.870 is hereby amended to read as follows:

38 483.870 1. An identification card that is issued to:

- 39 (a) A seasonal resident remains valid so long as the person does
40 not become licensed in Nevada to drive a motor vehicle and the
41 facts and circumstances declared in the application and stated ~~[in]~~
42 ***on*** the card do not change. An identification card must be

1 surrendered by a seasonal resident upon issuance of a Nevada
2 driver's license.

3 (b) A resident remains valid so long as the person does not
4 become licensed in any state or jurisdiction to drive a motor vehicle
5 and the facts and circumstances declared in the application and
6 stated ~~in~~ on the card do not change. An identification card must be
7 surrendered by a resident upon issuance of a driver's license from
8 any state or jurisdiction.

9 2. The holder of an identification card shall promptly report
10 any change in the information declared in the application and stated
11 in the card to the department.

12 3. Any change occurring in the holder's address or name as the
13 result of marriage or otherwise or any loss of an identification card
14 must be reported within 10 days after the occurrence to the
15 department.

16 **Sec. 32.** 1. Section 1 of chapter 398, Statutes of Nevada 1997, at
17 page 1392, is hereby amended to read as follows:

18 Section 1. NRS 375.070 is hereby amended to read as follows:

19 375.070 1. The county recorder shall transmit the proceeds of
20 the real property transfer tax at the end of each quarter in the
21 following manner:

22 (a) An amount equal to that portion of the proceeds which is
23 equivalent to 10 cents for each \$500 of value or fraction thereof
24 must be transmitted to the state treasurer who shall deposit that
25 amount in the account for low-income housing created pursuant to
26 NRS 319.500.

27 (b) In a county whose population is more than 400,000, an
28 amount equal to that portion of the proceeds which is equivalent to
29 60 cents for each \$500 of value or fraction thereof must be
30 transmitted to the county treasurer for deposit in the county school
31 district's fund for capital projects established pursuant to NRS
32 387.328, to be held and expended in the same manner as other
33 money deposited in that fund.

34 (c) The remaining proceeds must be transmitted to the county
35 treasurer, who shall in Carson City, and in any county where there
36 are no incorporated cities, deposit them all in the general fund, and
37 in other counties deposit 25 percent of them in the general fund and
38 apportion the remainder as follows:

39 (1) If there is one incorporated city in the county, between that
40 city and the county general fund in proportion to the respective
41 populations of the city and the unincorporated area of the county.

42 (2) If there are two or more cities in the county, among the
43 cities in proportion to their respective populations.

1 2. If there is any incorporated city in a county, the county
2 recorder shall charge each city a fee equal to 2 percent of the real
3 property transfer tax which is transferred to that city.

4 3. *In addition to any other authorized use of the proceeds it*
5 *receives pursuant to subsection 1, a county or city may use the*
6 *proceeds to pay expenses related to or incurred for the*
7 *development of affordable housing for families whose income*
8 *does not exceed 80 percent of the median income for families*
9 *residing in the same county, as that percentage is defined by the*
10 *United States Department of Housing and Urban Development. A*
11 *county or city that uses the proceeds in that manner must give*
12 *priority to the development of affordable housing for persons who*
13 *are disabled or elderly.*

14 4. *The expenses authorized by subsection 3 include, but are*
15 *not limited to:*

- 16 (a) *The costs to acquire land and developmental rights;*
17 (b) *Related predevelopment expenses;*
18 (c) *The costs to develop the land, including the payment of*
19 *related rebates;*
20 (d) *Contributions toward down payments made for the*
21 *purchase of affordable housing; and*
22 (e) *The creation of related trust funds.*

23 2. Chapter 398, Statutes of Nevada 1997, at page 1393, is hereby
24 amended by adding thereto a new section to be designated as section 2,
25 immediately following section 1, to read as follows:

26 Sec. 2. Section 19 of chapter 660, Statutes of Nevada 1997, at
27 page 3288, is hereby amended to read as follows:

28 Sec. 19. NRS 375.070 is hereby amended to read as follows:

29 375.070 1. The county recorder shall transmit the proceeds
30 of the real property transfer tax at the end of each quarter in the
31 following manner:

32 (a) An amount equal to that portion of the proceeds which is
33 equivalent to 10 cents for each \$500 of value or fraction thereof
34 must be transmitted to the state treasurer who shall deposit that
35 amount in the account for low-income housing created pursuant
36 to NRS 319.500.

37 (b) In a county whose population is more than 400,000, an
38 amount equal to that portion of the proceeds which is equivalent
39 to 60 cents for each \$500 of value or fraction thereof must be
40 transmitted to the county treasurer for deposit in the county
41 school district's fund for capital projects established pursuant to
42 NRS 387.328, to be held and expended in the same manner as
43 other money deposited in that fund.

(c) The remaining proceeds must be transmitted to the ~~county treasurer, who shall in Carson City, and in any county where there are no incorporated cities, deposit them all in the general fund, and in other counties deposit 25 percent of them in the general fund and apportion the remainder as follows:~~

~~— (1) If there is one incorporated city in the county, between that city and the county general fund in proportion to the respective populations of the city and the unincorporated area of the county.~~

~~— (2) If there are two or more cities in the county, among the cities in proportion to their respective populations.~~

~~— 2. If there is any incorporated city in a county, the county recorder shall charge each city a fee equal to 2 percent of the real property transfer tax which is transferred to that city.~~

~~— 3.]~~ *state treasurer for deposit in the local government tax distribution fund created by section 8 of this act for credit to the respective accounts of Carson City and each county.*

2. In addition to any other authorized use of the proceeds it receives pursuant to subsection 1, a county or city may use the proceeds to pay expenses related to or incurred for the development of affordable housing for families whose income does not exceed 80 percent of the median income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development. A county or city that uses the proceeds in that manner must give priority to the development of affordable housing for persons who are disabled or elderly.

~~[4.]~~ 3. The expenses authorized by subsection ~~[3]~~ 2 include, but are not limited to:

- (a) The costs to acquire land and developmental rights;
- (b) Related predevelopment expenses;
- (c) The costs to develop the land, including the payment of related rebates;
- (d) Contributions toward down payments made for the purchase of affordable housing; and
- (e) The creation of related trust funds.

Sec. 33. Section 2 of chapter 399, Statutes of Nevada 1997, at page 1394, is hereby amended to read as follows:

Sec. 2. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, of NRS for an injury:

- (a) Caused by the employee's willful intention to injure himself.

1 (b) Caused by the employee's willful intention to injure another.

2 (c) Proximately caused by the employee's intoxication. If the
3 employee was intoxicated at the time of his injury, intoxication
4 must be presumed to be a proximate cause unless rebutted by
5 evidence to the contrary.

6 (d) Proximately caused by the employee's use of a controlled
7 substance. If the employee had any amount of a controlled
8 substance in his system at the time of his injury for which the
9 employee did not have a current and lawful prescription issued in
10 his name, the controlled substance must be presumed to be a
11 proximate cause unless rebutted by evidence to the contrary.

12 **2. For the purposes of paragraphs (c) and (d) ~~[-the]~~ of**
13 **subsection 1:**

14 **(a) *The*** affidavit or declaration of an expert or other person
15 described in NRS 50.315 is admissible to prove the existence of any
16 alcohol or the existence, quantity or identity of a controlled
17 substance in an employee's system. If the affidavit or declaration is
18 to be so used, it must be submitted in the manner prescribed in NRS
19 616C.355.

20 **~~[-2.]~~ (b) *When an examination requested or ordered includes***
21 ***testing for the use of alcohol or a controlled substance:***

22 ***(1) If the laboratory that conducts the testing is located in a***
23 ***county whose population is 100,000 or more and the testing is of***
24 ***urine, the laboratory must be certified for forensic testing of urine***
25 ***for drugs by the College of American Pathologists or a successor***
26 ***organization or by the federal Department of Health and Human***
27 ***Services; and***

28 ***(2) Any such testing of breath for alcohol must be***
29 ***performed pursuant to the regulations of the federal Department***
30 ***of Transportation.***

31 **3.** No compensation is payable for the death, disability or
32 treatment of an employee if his death is caused by, or insofar as his
33 disability is aggravated, caused or continued by, an unreasonable
34 refusal or neglect to submit to or to follow any competent and
35 reasonable surgical treatment or medical aid.

36 **~~[-3.]~~ 4.** If any employee persists in an unsanitary or injurious
37 practice that imperils or retards his recovery, or refuses to submit to
38 such medical or surgical treatment as is necessary to promote his
39 recovery, his compensation may be reduced or suspended.

40 **~~[-4.]~~ 5.** An injured employee's compensation, other than
41 accident benefits, must be suspended if:

42 (a) A physician or chiropractor determines that the employee is
43 unable to undergo treatment, testing or examination for the

1 industrial injury solely because of a condition or injury that did not
2 arise out of and in the course of his employment; and

3 (b) It is within the ability of the employee to correct the
4 nonindustrial condition or injury.

5 The compensation must be suspended until the injured employee is
6 able to resume treatment, testing or examination for the industrial
7 injury. The insurer may elect to pay for the treatment of the
8 nonindustrial condition or injury.

9 **Sec. 34.** 1. Section 3 of chapter 408, Statutes of Nevada 1997, at
10 page 1420, is hereby amended to read as follows:

11 Sec. 3. NRS 50.320 is hereby amended to read as follows:

12 50.320 1. The affidavit **or declaration** of a chemist and any
13 other person who has qualified in the district court of any county to
14 testify as an expert witness regarding the presence in the breath,
15 blood or urine of a person of alcohol, a controlled substance, or a
16 chemical, poison or organic solvent, or the identity or quantity of a
17 controlled substance alleged to have been in the possession of a
18 person, which is submitted to prove:

19 (a) The quantity of the purported controlled substance; or

20 (b) The amount of alcohol or the presence or absence of a
21 controlled substance, chemical, poison or organic solvent, as the
22 case may be,

23 is admissible in the manner provided in this section.

24 2. An affidavit **or declaration** which is submitted to prove any
25 fact set forth in subsection 1 must be admitted into evidence when
26 submitted during any administrative proceeding, preliminary
27 hearing or hearing before a grand jury. The court shall not sustain
28 any objection to the admission of such an affidavit ~~or~~ **or**
29 **declaration.**

30 3. The defendant may object in writing to admitting into
31 evidence an affidavit **or declaration** submitted to prove any fact set
32 forth in subsection 1 during his trial. If the defendant makes such an
33 objection, the court shall not admit the affidavit **or declaration** into
34 evidence and the prosecution may cause the person to testify in
35 court to any information contained in the affidavit ~~or~~ **or**
36 **declaration.**

37 4. The committee on testing for intoxication shall adopt
38 regulations prescribing the form of the affidavits **and declarations**
39 described in this section.

1 2. Chapter 408, Statutes of Nevada 1997, at page 1422, is hereby
2 amended by adding thereto a new section to be designated as section 5.1,
3 immediately following section 5, to read as follows:

4 Sec. 5.1. Section 1 of chapter 708, Statutes of Nevada 1995, at
5 page 2712, is hereby amended to read as follows:

6 Section 1. Chapter 50 of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 1. *The affidavit of a chemist and any other person who has*
9 *qualified in the district court of any county to testify as an*
10 *expert witness regarding the presence in the breath, blood or*
11 *urine of a person of alcohol, a controlled substance, or a*
12 *chemical, poison or organic solvent, or the identity or quantity*
13 *of a controlled substance alleged to have been in the possession*
14 *of a person, which is submitted to prove:*

15 (a) *The quantity of the purported controlled substance; or*

16 (b) *The amount of alcohol or the presence or absence of a*
17 *controlled substance, chemical, poison or organic solvent, as*
18 *the case may be,*

19 *is admissible in the manner provided in this section.*

20 2. *An affidavit which is submitted to prove any fact set*
21 *forth in subsection 1 must be admitted into evidence when*
22 *submitted during any administrative proceeding, preliminary*
23 *hearing or hearing before a grand jury. The court shall not*
24 *sustain any objection to the admission of such an affidavit.*

25 3. *The defendant may object in writing to admitting into*
26 *evidence an affidavit submitted to prove any fact set forth in*
27 *subsection 1 during his trial. If the defendant makes such an*
28 *objection, the court shall not admit the affidavit into evidence*
29 *and the prosecution may cause the person to testify in court to*
30 *any information contained in the affidavit.*

31 4. *The committee on testing for intoxication shall adopt*
32 *regulations prescribing the form of the affidavits described in*
33 *this section.*

34 **Sec. 35.** Sections 3, 12, 21, 22, 23, 26, 41, 49, 62, 62.5, 63, 65, 67, 70,
35 72, 74, 79 and 81 of chapter 410, Statutes of Nevada 1997, at pages 1423,
36 1427, 1431, 1432, 1438, 1441, and 1449 to 1457, inclusive, are hereby
37 amended to read respectively as follows:

38 Sec. 3. Section 60 of chapter 580, Statutes of Nevada 1995, at
39 page 2014, is hereby amended to read as follows:

40 Sec. 60. NRS 616A.470 is hereby amended to read as
41 follows:

42 616A.470 1. Except as otherwise provided in subsection 2,
43 each self-insured employer , ~~and~~ association of self-insured

1 public or private employers *and private carrier* shall compensate
2 the system, the office of the Nevada attorney for injured workers
3 or the hearings division of the department of administration, as
4 appropriate, for all services which the system, the occupational
5 safety and health review board, the Nevada attorney for injured
6 workers, the mediators and the appeals officers provide to those
7 employers . ~~if the rate is established by a regulation of the~~
8 ~~system.~~ The cost of any service ~~for which a rate is not~~
9 ~~established by regulation~~ must be negotiated by the employer ,
10 ~~for~~ association *or private carrier* and the system, the Nevada
11 attorney for injured workers or the division, as appropriate,
12 before the employer , ~~for~~ association *or private carrier* is
13 charged for the service.

14 2. All compensation must be on the basis of actual cost and
15 not on a basis which includes any subsidy for the system, the
16 office of the Nevada attorney for injured workers, the division or
17 other employers.

18 Sec. 12. Section 17 of chapter 580, Statutes of Nevada 1995,
19 at page 2001, is hereby amended to read as follows:

20 Sec. 17. *1. Every policy of insurance issued pursuant to*
21 *chapters 616A to 617, inclusive, of NRS must contain a*
22 *provision for the requirements of subsection 5 and a provision*
23 *that insolvency or bankruptcy of the employer or his estate, or*
24 *discharge therein, or any default of the employer does not*
25 *relieve the insurer from liability for compensation resulting*
26 *from an injury otherwise covered under the policy issued by the*
27 *insurer.*

28 *2. No statement in an employer's application for a policy of*
29 *industrial insurance voids the policy as between the insurer and*
30 *employer unless the statement is false and would have*
31 *materially affected the acceptance of the risk if known by the*
32 *insurer, but in no case does the invalidation of a policy as*
33 *between the insurer and employer affect the insurer's*
34 *obligation to provide compensation to claimants arising before*
35 *the cancellation of the policy. If the insurer is required*
36 *pursuant to this subsection to provide compensation under an*
37 *invalid policy, the insurer is subrogated to the claimant's rights*
38 *against the employer.*

39 *3. If an insurer or employer intends to cancel or renew a*
40 *policy of insurance issued by the insurer pursuant to chapters*
41 *616A to 617, inclusive, of NRS, the insurer or employer must*
42 *give notice to that effect in writing to the administrator and to*
43 *the other party fixing the date on which it is proposed that the*

cancellation or renewal becomes effective. The notices must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the administrator and the other party. If the employer has secured insurance with another insurer which would cause double coverage, the cancellation must be made effective as of the effective date of the other insurance.

4. As between any claimant and the insurer, no defense based on any act or omission of the insured employer, if different from the insurer, may be raised by the insurer.

5. For the purposes of chapters 616A to 617, inclusive, of NRS, as between the employee and the insurer:

(a) Except as otherwise provided in NRS 616C.065, notice or knowledge of the injury to or by the employer is notice or knowledge to or by the insurer;

(b) Jurisdiction over the employer is jurisdiction over the insurer; and

(c) The insurer is bound by and subject to any judgments, findings of fact, conclusions of law, awards, decrees, orders or decisions rendered against the employer in the same manner and to the same extent as the employer.

Sec. 21. Section 85 of chapter 580, Statutes of Nevada 1995, at page 2024, is hereby amended to read as follows:

Sec. 85. NRS 616B.215 is hereby amended to read as follows:

616B.215 1. Except as otherwise provided in subsection 2:

(a) A principal contractor or an owner of property acting as a principal contractor aggrieved by a letter issued pursuant to NRS 616B.645; *or*

(b) ~~{An employer aggrieved by a written decision of an employee of the system on a matter relating to the employer's account; or~~

~~—(c)}~~ An employer aggrieved by a determination made pursuant to NRS 616C.585,

may appeal from the letter ~~{, decision}~~ or determination by filing a notice of appeal with the ~~{manager or his designee}~~ *administrator* within 30 days after the date of the letter ~~{, decision}~~ or determination.

2. An employer shall not seek to remove costs that have been charged to his account by appealing to the ~~{manager or his designee}~~ *administrator* any issue that relates to a claim for compensation if the issue was raised or could have been raised ~~{,}~~

1 before a hearing officer or an appeals officer pursuant to NRS
2 616C.315 or 616C.345.

3 3. The decision of the ~~{manager or his designee}~~
4 *administrator* is the final and binding administrative
5 determination of an appeal filed pursuant to this section, and the
6 whole record consists of all evidence taken at the hearing before
7 the ~~{manager or his designee}~~ *administrator* and any findings of
8 fact ~~{and conclusions of law}~~ based thereon.

9 ~~{4.—As used in this section, matters relating to an employer's~~
10 ~~account:~~

11 ~~—(a) Include, but are not limited to, an audit of the employer's~~
12 ~~account and a determination of the appropriate classification of~~
13 ~~risk for an employer's business.~~

14 ~~—(b) Do not include a revision of premium rates or~~
15 ~~classifications of employment pursuant to NRS 616B.206.]~~

16 Sec. 22. Section 88 of chapter 580, Statutes of Nevada 1995,
17 at page 2025, is hereby amended to read as follows:

18 Sec. 88. NRS 616B.224 is hereby amended to read as
19 follows:

20 616B.224 1. Every employer ~~{insured by the system}~~ *who*
21 *is not a self-insured employer or a member of an association of*
22 *self-insured public or private employers* shall, at intervals
23 established by ~~{the manager,}~~ *his insurer*, furnish the ~~{system}~~
24 *insurer* with a true and accurate payroll showing:

25 (a) The total amount paid to employees for services
26 performed;

27 (b) The amount of tips reported to him by every employee
28 pursuant to 26 U.S.C. § 6053(a) ~~{,}~~ whose tips in cash totaled \$20
29 or more; and

30 (c) A segregation of employment in accordance with the
31 requirements of the ~~{system,}~~ *commissioner*,
32 together with the premium due thereon. The payroll and premium
33 must be furnished to the ~~{system}~~ *insurer* on or before the date
34 established by the ~~{manager}~~ *insurer* for the receipt of the payroll
35 and premium.

36 2. ~~{In determining the total amount paid to employees by~~
37 ~~each employer for services performed during a calendar year, the~~
38 ~~maximum amount paid by each employer to any one employee~~
39 ~~during the calendar year shall be deemed to be the first \$36,000~~
40 ~~paid to the employee during the calendar year.~~

41 ~~—3.—Except as otherwise provided in this subsection, any}~~ *Any*
42 employer by agreement in writing with the ~~{manager}~~ *insurer*
43 may arrange for the payment of premiums in advance ~~{for a~~

period of more than 60 days. If an employer's premiums are less than \$300 in a given year, the premiums must be paid at intervals] **at an interval** established by the [manager.

~~4.] insurer.~~

3. Failure of any employer to comply with the provisions of this section and NRS 616B.218 operates as a rejection of chapters 616A to 616D, inclusive, of NRS, effective at the expiration of the period covered by his estimate. The [manager] **insurer** shall notify the administrator of each such rejection.

~~[5.]~~ 4. If an audit of the accounts or actual payroll of an employer shows that the actual premium earned exceeds the estimated premium paid in advance, the [manager] **insurer** may require the payment of money sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

~~[6.—The manager]~~

5. **The insurer** shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of chapters 616A to 616D, inclusive, of NRS as otherwise provided in those chapters.

~~[7.]~~ 6. The system may impose a penalty not to exceed ~~[4]~~ **10** percent of the premiums which are due for the failure of an employer **insured by the system** to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

~~[8.]~~ 7. To the extent permitted by federal law, the [system] **insurer** shall vigorously pursue the collection of premiums that are due under the provisions of chapters 616A to 616D, inclusive, of NRS even if an employer's debts have been discharged in a bankruptcy proceeding.

Sec. 23. NRS 616B.236 is hereby amended to read as follows:

616B.236 Except as otherwise provided in NRS 616D.200, when any premium of an employer ~~[insured by the system as provided in chapters 616A to 616D, inclusive, of NRS]~~ remains unpaid on the date on which it becomes due, as prescribed by NRS 616B.224, it bears interest at the rate of 1 percent for each month or portion of a month thereafter until payment of the premium, plus accrued interest, is received by the [manager.] **insurer.**

1 Sec. 26. Section 22 of chapter 580, Statutes of Nevada 1995,
2 at page 2003, is hereby amended to read as follows:

3 Sec. 22. *1. The commissioner shall suspend the*
4 *authorization of a private carrier to provide industrial*
5 *insurance for 1 year if the commissioner finds that the private*
6 *carrier has intentionally or repeatedly failed to comply with the*
7 *provisions of chapters 616A to 616D, inclusive, or chapter 617*
8 *of NRS or the regulations of the division.*

9 *2. Before the commissioner suspends the authorization of a*
10 *private carrier, he shall arrange an informal meeting with the*
11 *private carrier to discuss and seek correction of any conduct*
12 *which would be grounds for suspension.*

13 *3. Before the suspension of the authorization, the*
14 *commissioner shall give written notice to the private carrier by*
15 *certified mail or electronic transmission that its authorization*
16 *will be suspended within 10 days after it receives the notice*
17 *unless, within that time, the private carrier corrects the conduct*
18 *set forth in the notice as the reason for the withdrawal or*
19 *submits a written request for a hearing to the commissioner.*

20 *4. If the private carrier requests a hearing:*

21 *(a) The commissioner shall set a date for a hearing within*
22 *20 days after receiving the notice of the appeal and shall give*
23 *the private carrier at least 10 business days' notice of the time*
24 *and place of the hearing.*

25 *(b) A record of the hearing must be kept but it need not be*
26 *transcribed unless requested by the private carrier. The cost of*
27 *transcription must be charged to the private carrier.*

28 *5. Within 5 days after the hearing, the commissioner shall*
29 *affirm or deny his order suspending the authorization of the*
30 *private carrier and notify the private carrier by certified mail or*
31 *electronic transmission of his decision.*

32 *6. If the private carrier does not comply with the order of*
33 *the commissioner during the period of suspension of the*
34 *authorization, the commissioner shall file an order prohibiting*
35 *the private carrier from issuing new policies until the order has*
36 *expired. A copy of the order must be sent by certified mail or*
37 *electronic transmission to the private carrier.*

38 Sec. 41. Section 91 of chapter 580, Statutes of Nevada 1995,
39 at page 2027, is hereby amended to read as follows:

40 Sec. 91. NRS 616C.255 is hereby amended to read as
41 follows:

42 616C.255 1. The system *and each private carrier* shall
43 collect a premium upon the total payroll of every employer

~~[within the provisions of chapters 616A to 616D, inclusive, of NRS, except as otherwise provided, in such a percentage as the manager shall fix by order for accident benefits.]~~ *insured by the system or private carrier at the rate filed with the commissioner pursuant to chapter 686B of NRS.*

2. Every employer paying this premium is relieved from furnishing accident benefits, and the accident benefits must be provided by the system ~~[.]~~ *or private carrier.*

3. The system *or private carrier* is liable for any accident benefits provided in this section. ~~[, but the]~~ *The* account provided for accident benefits must be *kept as* a separate ~~[and distinct account, and must,]~~ *account* on the records of the system ~~[, be so kept.]~~ *or private carrier.*

Sec. 49. NRS 616C.590 is hereby amended to read as follows:

616C.590 1. Except as otherwise provided in this section, an injured employee is not eligible for vocational rehabilitation services, unless:

(a) The treating physician or chiropractor approves the return of the injured employee to work but imposes permanent restrictions that prevent the injured employee from returning to the position that he held at the time of his injury;

(b) The injured employee's employer does not offer employment that the employee is eligible for considering the restrictions imposed pursuant to paragraph (a); and

(c) The injured employee is unable to return to gainful employment at a gross wage that is equal to or greater than 80 percent of the gross wage that he was earning at the time of his injury.

2. If the treating physician or chiropractor imposes permanent restrictions on the injured employee for the purposes of paragraph (a) of subsection 1, he shall specify in writing:

(a) The medically objective findings upon which his determination is based; and

(b) A detailed description of the restrictions.

The treating physician or chiropractor shall ~~[mail]~~ *deliver* a copy of the findings and the description of the restrictions to the insurer.

3. If there is a question as to whether the restrictions imposed upon the injured employee are permanent, the employee may receive vocational rehabilitation services until a final determination concerning the duration of the restrictions is made.

4. Vocational rehabilitation services must cease as soon as the injured employee is no longer eligible for the services pursuant to subsection 1.

1 5. An injured employee is not entitled to vocational
2 rehabilitation services solely because the position that he held at the
3 time of his injury is no longer available.

4 6. An injured employee or his dependents are not entitled to
5 accrue or be paid any money for vocational rehabilitation services
6 during the time the injured employee is incarcerated.

7 7. Any injured employee eligible for compensation other than
8 accident benefits may not be paid those benefits if he refuses
9 counseling, training or other vocational rehabilitation services
10 offered by the insurer. Except as otherwise provided in NRS
11 616B.185, and section 1 of ~~this act,~~ *Senate Bill No. 372 of this*
12 *session*, an injured employee shall be deemed to have refused
13 counseling, training and other vocational rehabilitation services
14 while he is incarcerated.

15 8. If an insurer cannot locate an injured employee for whom it
16 has ordered vocational rehabilitation services, the insurer may close
17 his claim 21 days after the insurer determines that the employee
18 cannot be located. The insurer shall make a reasonable effort to
19 locate the employee.

20 9. The reappearance of the injured employee after his claim has
21 been closed does not automatically reinstate his eligibility for
22 vocational rehabilitation benefits. If the employee wishes to
23 reestablish his eligibility for such benefits, he must file a written
24 application with the insurer to reinstate his claim. The insurer shall
25 reinstate the employee's claim if good cause is shown for the
26 employee's absence.

27 Sec. 62. Section 130.6 of chapter 587, Statutes of Nevada
28 1995, at page 2166, is hereby amended to read as follows:

29 Sec. 130.6. NRS 680B.060 is hereby amended to read as
30 follows:

31 680B.060 1. ~~The~~ *Except as otherwise provided in*
32 *subsection 6, the* taxes imposed under NRS 680B.027 must be
33 collected by the department of taxation and promptly deposited
34 with the state treasurer for credit to the state general fund.

35 2. If the tax is not paid by the insurer on or before the date
36 required for payment, the tax then becomes delinquent, and
37 payment thereof may be enforced by court action instituted on
38 behalf of the state by the attorney general. The attorney general
39 may employ additional counsel in the city where the home office

1 of the insurer is located, subject to approval of compensation for
2 such services by the state board of examiners. The administrative
3 and substantive enforcement provisions of chapters 360 and 372
4 of NRS apply to the enforcement of the taxes imposed under
5 NRS 680B.027.

6 3. Upon the tax becoming delinquent , the executive director
7 of the department of taxation shall notify the commissioner, who
8 shall suspend or revoke the insurer's certificate of authority
9 pursuant to NRS 680A.190.

10 4. If a dispute arises between an insurer and the state as to
11 the amount of tax, if any, payable, the insurer is entitled to pay
12 under protest the tax in the amount assessed by the department of
13 taxation, without waiving or otherwise affecting any right of the
14 insurer to recover any amount determined, through appropriate
15 legal action taken by the insurer against the department of
16 taxation, to have been in excess of the amount of tax lawfully
17 payable.

18 5. ~~[All]~~ *Except as otherwise provided in subsection 6, all*
19 *taxes, fees, licenses, fines and charges collected under this code,*
20 *including the general premium tax provided for under NRS*
21 *680B.027 and as increased in any instances pursuant to NRS*
22 *680A.330, must be promptly deposited with the state treasurer*
23 *for credit to the state general fund.*

24 6. *The taxes collected pursuant to NRS 680B.027 from*
25 *insurers that are writing industrial insurance in this state,*
26 *including the state industrial insurance system, which are*
27 *attributable to industrial insurance must be promptly deposited*
28 *with the state treasurer for credit to the account for the*
29 *administration of extended claims established in the state*
30 *insurance fund pursuant to section 9 of chapter 410, Statutes of*
31 *Nevada 1997, until the commissioner notifies the state*
32 *treasurer that the balance in the account is sufficient to satisfy*
33 *all obligations and liabilities of the account as they become*
34 *due. Upon receipt of such a notice, the state treasurer shall*
35 *discontinue depositing the taxes in the account and shall*
36 *deposit the taxes collected from these insurers for credit to the*
37 *state general fund.*

38 Sec. 62.5. Section 149 of chapter 580, Statutes of Nevada
39 1995, at page 2049, is hereby amended to read as follows:

40 Sec. 149. *“Insurer” means the state industrial insurance*
41 *system and all private carriers authorized to provide industrial*
42 *insurance in this state.*

1 Sec. 63. Section 154 of chapter 580, Statutes of Nevada
2 1995, at page 2050, is hereby amended to read as follows:

3 Sec. 154. *The advisory organization may:*

- 4 1. *Develop statistical plans including definitions for the*
5 *classification of risks.*
- 6 2. *Collect statistical data from its members and subscribers*
7 *or any other reliable source.*
- 8 3. *Prepare and distribute data on expenses and the basic*
9 *premium rate or rates, adjusted for expected changes in*
10 *reported losses and expenses and for trends in losses and*
11 *expenses, according to its statistical plan.*
- 12 4. *Prepare and distribute manuals of rules and schedules*
13 *for rating which do not permit calculating the final rates*
14 *without using information other than the information in the*
15 *manual.*
- 16 5. *Distribute any information filed with the commissioner*
17 *which is open to public inspection.*
- 18 6. *Conduct research and collect statistics to discover,*
19 *identify and classify information on the causes and prevention*
20 *of losses.*
- 21 7. *Prepare and file forms and endorsements for policies*
22 *and consult with its members, subscribers and any other*
23 *knowledgeable persons on their use.*
- 24 8. *Collect, compile and distribute information on the past*
25 *and current premiums charged by individual insurers if the*
26 *information is available for public inspection.*
- 27 9. *Conduct research and collect information to determine*
28 *what effect changes in benefits to injured employees pursuant*
29 *to chapters 616A to 617, inclusive, of NRS will have on the*
30 *basic premium rate or rates.*
- 31 10. *Prepare and distribute rules and rating values for the*
32 *uniform plan for rating experience.*
- 33 11. *Calculate and provide to the insurer the modification of*
34 *premiums based on the individual employer's losses.*
- 35 12. *Assist an individual insurer to develop rates,*
36 *supplementary rate information or other supporting*
37 *information if authorized to do so by the insurer.*

38 Sec. 65. Section 155 of chapter 580, Statutes of Nevada 1995,
39 at page 2050, is hereby amended to read as follows:

40 Sec. 155. *An advisory organization shall not file rates,*
41 *supplementary rate information or supporting information on*
42 *behalf of an insurer.*

1 Sec. 67. Section 157 of chapter 580, Statutes of Nevada
2 1995, at page 2051, is hereby amended to read as follows:

3 Sec. 157. *1. The advisory organization shall file with the*
4 *commissioner a copy of every basic premium rate, the portion*
5 *of the rate that is allowable for expenses as determined by the*
6 *advisory organization, every manual of rating rules, every*
7 *rating schedule and every change, amendment or modification*
8 *to them which is proposed for use in this state at least 60 days*
9 *before they are distributed to the organization's members,*
10 *subscribers or other persons. The rates shall be deemed to be*
11 *approved unless they are disapproved by the commissioner*
12 *within 60 days after they are filed.*

13 *2. The commissioner shall report any changes in rates or*
14 *in the uniform plan for rating experience, the uniform*
15 *statistical plan or the uniform system of classification, when*
16 *approved, to the director of the legislative counsel bureau.*

17 *3. The rates filed by the advisory organization and*
18 *approved by the commissioner apply to every insurer. In no*
19 *case may an insurer's rate be less than the approved rate by*
20 *more than the following percentages:*

21 *(a) For the period beginning on July 1, 1999, and ending on*
22 *June 30, 2000, no variance.*

23 *(b) For the period beginning on July 1, 2000, and ending on*
24 *June 30, 2001, no more than a 5 percent variance.*

25 *(c) For the period beginning on July 1, 2001, and ending on*
26 *June 30, 2002, no more than a 10 percent variance.*

27 *(d) For the period beginning on July 1, 2002, and ending on*
28 *June 30, 2003, no more than a 15 percent variance.*

29 Sec. 70. Section 162 of chapter 580, Statutes of Nevada 1995,
30 at page 2052, is hereby amended to read as follows:

31 Sec. 162. *1. Each insurer shall file with the*
32 *commissioner all the rates and supplementary rate*
33 *information, except for the information filed by the advisory*
34 *organization, at least 60 days before the rates become effective.*
35 *If the information supplied by an insurer pursuant to this*
36 *subsection is insufficient, the commissioner shall notify the*
37 *insurer and the information shall be deemed to be filed when*
38 *all the information requested by the commissioner is received*
39 *by him.*

40 *2. For any filing made by an insurer pursuant to this*
41 *section, the commissioner may authorize an earlier effective*
42 *date for the rates upon a written request from the insurer.*

1 3. *Every rate filed by an insurer must be filed in the form*
2 *and manner prescribed by the commissioner.*

3 4. *A rate filed with the commissioner pursuant to this*
4 *section that becomes effective before July 1, 2000, may not be*
5 *increased or decreased until July 1, 2000.*

6 Sec. 72. Section 163 of chapter 580, Statutes of Nevada 1995,
7 at page 2053, is hereby amended to read as follows:

8 Sec. 163. 1. *If the commissioner finds that:*

9 (a) *The rates filed by insurers are inadequate or unfairly*
10 *discriminatory; or*

11 (b) *The rates violate the provisions of this chapter,*
12 *the commissioner may require the insurers to file information*
13 *supporting their existing rates. Before the commissioner may*
14 *disapprove those rates, he shall notify the insurers and hold a*
15 *hearing on the rates and the supplementary rate information.*

16 2. *The commissioner may disapprove any rate without a*
17 *hearing. Any insurer whose rates are disapproved in this*
18 *manner may request in writing and within 30 days after the*
19 *disapproval that the commissioner conduct a hearing on the*
20 *matter.*

21 Sec. 74. Section 164 of chapter 580, Statutes of Nevada 1995,
22 at page 2053, is hereby amended to read as follows:

23 Sec. 164. 1. *The commissioner may disapprove a rate*
24 *filed by an insurer:*

25 (a) *At any time after the rate becomes effective; or*

26 (b) *At any time before the rate becomes effective.*

27 2. *The commissioner shall disapprove a rate if:*

28 (a) *An insurer has failed to meet the requirements for filing*
29 *a rate pursuant to this chapter or the regulations of the*
30 *commissioner; or*

31 (b) *The rate is inadequate, excessive or unfairly*
32 *discriminatory.*

33 Sec. 79. Section 155 of chapter 587, Statutes of Nevada 1995,
34 at page 2170, is hereby amended to read as follows:

35 Sec. 155. 1. This section and subsection 2 of section 147
36 of this act become effective on June 30, 1995.

37 2. Sections 1, 4.5, 5, 6, 6.5, 8, 15, 17, 23 to 33, inclusive, 38,
38 39, 44, 47, 48 to 54, inclusive, 57, 61, 68, 73, 76, 81 to 85,
39 inclusive, 87 to 95.5, inclusive, 97, 99 to 103.5, inclusive, 105,
40 115, 116, 117, 119 to 123, inclusive, 126, 130, 133, 134, 136,
41 137, 137.5, 146, 146.5, subsection 1 of section 147, 148, 149,
42 152 and 153 of this act become effective on July 1, 1995.

3. Sections 45, 77, 106 and 106.5 of this act become effective at 12:01 a.m. on July 1, 1995.

4. *Section 7 of this act becomes effective on July 1, 1997.*

5. Sections ~~7,~~ 17.3, 17.5, 17.7, 129.5, 130.2, 130.4, and 130.6 of this act become effective on July 1, 1999.

Sec. 81. 1. This section and sections ~~4,~~ 3 to 10, inclusive, 12, 13, 15, 15.5, 16, 17, 20, 21, 22, 27, 28, ~~36,~~ 35, 40.5, 41, 42, 61, 62, 62.5, 63, 65, 67, 70, 72, 74, 76, 78, 79 and 80 of this act become effective on July 1, 1997.

2. Section 14 of this act becomes effective at 12:01 a.m. on July 1, 1997.

3. Sections 1, 11, 26, ~~35,~~ 36, 37, 38, 39, 43, 45, 46, 49, 51, 52, 53, 54, 58 and 59 of this act become effective on January 1, 1998.

4. Section 50 of this act becomes effective at 12:01 a.m. on January 1, 1998.

5. Sections 18, 23, 40, 48, 56, 57, 60, 77 and 77.5 of this act become effective on July 1, 1999.

6. ~~Sections 3, 12, 21, 22, 41, 62, 62.5, 63, 65, 67, 70, 72 and 74 of this act become effective at 12:01 a.m. on July 1, 1999.~~

~~7.~~ Sections 64, 66, 68, 71, 73 and 75 of this act become effective on July 1, 2003.

Sec. 36. 1. Sections 1 and 5 of chapter 421, Statutes of Nevada 1997, at pages 1499 and 1501, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 616B.624 is hereby amended to read as follows:

616B.624 1. If a quasi-public or private corporation *or a limited-liability company* is required to be insured ~~under~~ *pursuant to* chapters 616A to 616D, inclusive, of NRS, an officer of the corporation *or a manager of the company* who:

(a) Receives pay for services performed as an officer, *manager* or employee of the corporation *or company* shall be deemed for the purposes of those chapters to receive a minimum pay of \$6,000 per calendar year and a maximum pay of \$36,000 per calendar year.

(b) Does not receive pay for services performed as an officer, *manager* or employee of the corporation *or company* shall be deemed for the purposes of those chapters to receive a minimum pay of \$500 per month or \$6,000 per calendar year.

2. An officer *or manager* who does not receive pay for services performed as an officer, *manager* or employee of the corporation *or company* may elect to reject coverage by filing written notice

1 thereof with the corporation *or company* and the system. The
2 rejection is effective upon receipt of the notice by the system.

3 3. An officer *or manager* who has rejected coverage may
4 rescind that rejection by filing written notice thereof with the
5 corporation *or company* and the system. The rescission is effective
6 upon receipt of the notice by the system. If an officer *or manager*
7 who has rejected coverage receives pay for services performed as
8 an officer , *manager* or employee of the corporation ~~it~~ *or*
9 *company*, the officer *or manager* shall be deemed to have
10 rescinded that rejection.

11 4. A nonprofit corporation whose officers do not receive pay
12 for services performed as officers or employees of the corporation
13 may elect to reject coverage for ~~their~~ *its* current officers and all
14 future officers who do not receive such pay by filing written notice
15 thereof with the corporation and the system. The rejection is
16 effective upon receipt of the notice by the system.

17 5. A nonprofit corporation which has rejected coverage for its
18 officers who do not receive pay for services performed as officers
19 or employees of the corporation may rescind that rejection by filing
20 written notice thereof with the corporation and the system. The
21 rescission is effective upon receipt of the notice by the system. If an
22 officer of a nonprofit corporation which has rejected coverage
23 receives pay for services performed as an officer or employee of the
24 corporation, the corporation shall be deemed to have rescinded that
25 rejection.

26 Sec. 5. 1. ~~Sections~~ *This section and sections* 1, 2 , ~~and~~ 4 ,
27 *4.1 and 4.2* of this act become effective on October 1, 1997.

28 2. Section 3 of this act becomes effective on July 1, 1999.

29 2. Chapter 421, Statutes of Nevada 1997, at page 1501, is hereby
30 amended by adding thereto new sections to be designated as sections 4.1
31 and 4.2, immediately following section 4, to read respectively as follows:

32 Sec. 4.1. Section 81 of chapter 410, Statutes of Nevada 1997,
33 at page 1457, is hereby amended to read as follows:

34 Sec. 81. 1. This section and sections 3 to 10, inclusive, 12,
35 13, 15, 15.5, 16, 17, 20, 21, 22, 27, 28, 35, 40.5, 41, 42, 61, 62,
36 62.5, 63, 65, 67, 70, 72, 74, 76, 78, 79 and 80 of this act become
37 effective on July 1, 1997.

38 2. Section 14 of this act becomes effective at 12:01 a.m. on
39 July 1, 1997.

40 3. Sections 1, 11, 26, 36, 37, 38, 39, 43, 45, 46, 49, 51, 52,
41 53, 54, 58 and 59 of this act become effective on January 1,
42 1998.

1 4. Section 50 of this act becomes effective at 12:01 a.m. on
2 January 1, 1998.

3 5. Sections 18, 23, 40, 48, ~~56,~~ 57, 60, 77 and 77.5 of this
4 act become effective on July 1, 1999.

5 6. Sections 64, 66, 68, 71, 73 and 75 of this act become
6 effective on July 1, 2003.

7 Sec. 4.2. Section 56 of chapter 410, Statutes of Nevada 1997,
8 at page 1445, is hereby repealed.

9 **Sec. 37.** 1. Sections 2 and 4 of chapter 422, Statutes of Nevada
10 1997, at pages 1502 and 1503, respectively, are hereby amended to read
11 respectively as follows:

12 Sec. 2. NRS 482.270 is hereby amended to read as follows:

13 482.270 1. Except as otherwise provided ~~in NRS 482.3747,~~
14 ~~482.3775, 482.379 to 482.3794, inclusive, section 1 of Senate Bill~~
15 ~~No. 9 of this session and section 1 of this act, or NRS 482.384,~~ *by*
16 *specific statute*, the director shall order the *redesign and*
17 preparation of motor vehicle license plates with no other colors than
18 blue and silver. The director may substitute white in place of silver
19 when no suitable material is available.

20 2. *Except as otherwise provided in subsection 3, the*
21 *department shall, upon the payment of all applicable fees, issue*
22 *redesigned motor vehicle license plates pursuant to this section to*
23 *persons who apply for the registration or renewal of the*
24 *registration of a motor vehicle on or after January 1, 2001.*

25 3. *The department shall not issue redesigned motor vehicle*
26 *license plates pursuant to this section to a person who was issued*
27 *motor vehicle license plates before January 1, 1982, or pursuant*
28 *to NRS 482.3747, 482.3763, 482.3775, 482.378 or 482.379,*
29 *without the approval of the person.*

30 4. The director may determine and vary the size, shape and
31 form and the material of which license plates are made, but each
32 license plate must be of sufficient size to be plainly readable from a
33 distance of 100 feet during daylight. All license plates must be
34 treated to reflect light and to be at least 100 times brighter than
35 conventional painted number plates. When properly mounted on an
36 unlighted vehicle, the license plates, when viewed from a vehicle
37 equipped with standard headlights, must be visible for a distance of
38 not less than 1,500 feet and readable for a distance of not less than
39 110 feet.

40 ~~3.~~ 5. Every license plate must have displayed upon it:

41 (a) The registration number, or combination of letters and
42 numbers, assigned to the vehicle and to the owner thereof;

43 (b) The name of ~~the~~ *this* state, which may be abbreviated;

- 1 (c) If issued for a calendar year, the year; and
2 (d) If issued for a registration period other than a calendar year,
3 the month and year the registration expires.

4 ~~{4.}~~ 6. The letters I and Q must not be used in the designation.

5 ~~{5.}~~ 7. Except as otherwise provided in NRS 482.379, all
6 letters and numbers must be of the same size.

7 Sec. 4. 1. This section and ~~{section}~~ *sections 2.1 to 2.5,*
8 *inclusive, of this act become effective on September 30, 1997.*

9 2. *Section* 3 of this act ~~{become}~~ *becomes* effective on October
10 1, 1997.

11 ~~{2.}~~ 3. Section 2 of this act becomes effective at 12:02 a.m. on
12 October 1, 1997.

13 ~~{3.}~~ 4. Section 1 of this act becomes effective on January 1,
14 2001.

15 2. Chapter 422, Statutes of Nevada 1997, at page 1503, is hereby
16 amended by adding thereto new sections to be designated as sections 2.1 to
17 2.5, inclusive, immediately following section 2, to read respectively as
18 follows:

19 Sec. 2.1. Section 7 of chapter 385, Statutes of Nevada 1997, at
20 page 1362, is hereby amended to read as follows:

21 Sec. 7. ~~{1.}~~ Sections 2, 4 and 5 of this act become effective
22 at 12:01 a.m. on October 1, 1997.

23 ~~{2.—Section 3 of this act becomes effective at 12:02 a.m. on~~
24 ~~October 1, 1997.}~~

25 Sec. 2.2. Section 6 of chapter 438, Statutes of Nevada 1997, at
26 page 1551, is hereby amended to read as follows:

27 Sec. 6. ~~{1.}~~ Sections 2, 4 and 5 of this act become effective
28 at 12:01 a.m. on October 1, 1997.

29 ~~{2.—Section 3 of this act becomes effective at 12:02 a.m. on~~
30 ~~October 1, 1997.}~~

31 Sec. 2.3. Section 21 of chapter 599, Statutes of Nevada 1997,
32 at page 3008, is hereby amended to read as follows:

33 Sec. 21. 1. This section and sections 13 to 16, inclusive, of
34 this act become effective upon passage and approval.

35 2. Sections 12 and 17 to 20, inclusive, of this act become
36 effective at 12:01 a.m. on October 1, 1997.

37 ~~{3.—Section 2 of this act becomes effective at 12:02 a.m. on~~
38 ~~October 1, 1997.}~~

39 Sec. 2.4. Section 7 of chapter 607, Statutes of Nevada 1997, at
40 page 3055, is hereby amended to read as follows:

41 Sec. 7. ~~{1.}~~ Sections 2, 4 and 5 of this act become effective
42 at 12:01 a.m. on October 1, 1997.

~~{2. — Section 3 of this act becomes effective at 12:02 a.m. on October 1, 1997.}~~

Sec. 2.5. Section 3 of chapter 385, Statutes of Nevada 1997, at page 1360, section 3 of chapter 438, Statutes of Nevada 1997, at page 1549, section 2 of chapter 590, Statutes of Nevada 1997, at page 2977, section 2 of chapter 599, Statutes of Nevada 1997, at page 2997, and section 3 of chapter 607, Statutes of Nevada 1997, at page 3053, are hereby repealed.

Sec. 38. Sections 5.5 and 8.5 of chapter 429, Statutes of Nevada 1997, at pages 1516 and 1517, respectively, are hereby amended to read respectively as follows:

Sec. 5.5. NRS 487.070 is hereby amended to read as follows:

487.070 1. The department may approve or reject the application and, if approved, shall issue to the applicant:

(a) A license containing the applicant's name and address, the name under which the business is to be conducted, the business address, and a distinguishing number assigned to the applicant.

(b) A card which:

(1) Contains the information specified in paragraph (a);

(2) Includes a picture of the licensee; and

(3) Clearly identifies the holder of the card as a licensed automobile wrecker.

2. A licensee may obtain one or two cards for his business. The department shall charge a fee of \$50 for each card issued. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers, body shops and garages.

3. *A licensee shall post the license in a conspicuous place clearly visible to the general public at the business address set forth on the license.*

4. A license expires on April 30 of each year.

~~{4.}~~ 5. A licensee may renew his license by submitting to the department:

(a) A completed application for renewal upon a form supplied by the department; and

(b) The fee for renewal of a license provided in NRS 487.080.

Sec. 8.5. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the department upon forms supplied by the department. The application must be accompanied by such proof as the department requires to demonstrate that the applicant meets the statutory requirements to operate a body shop.

1 2. The department shall charge a fee of \$300 for the issuance or
2 renewal of a license to operate a body shop. Fees collected by the
3 department pursuant to this subsection must be deposited with the
4 state treasurer to the credit of the account for regulation of salvage
5 pools, automobile wreckers, body shops and garages.

6 3. Upon receipt of the application and when satisfied that the
7 applicant is entitled thereto, the department shall issue to the
8 applicant a license to operate a body shop. The license must contain
9 the name and the address of the body shop and the name of the
10 operator.

11 4. Upon receipt of the license, the operator shall ~~{display}~~ **post**
12 the license ~~{number prominently}~~ in **a conspicuous place clearly**
13 **visible to the general public in** the body shop and include the
14 license number on all estimates and invoices for repairs.

15 5. A license expires on April 30 of each year.

16 6. A licensee may renew his license by submitting to the
17 department:

18 (a) A completed application for renewal upon a form supplied by
19 the department; and

20 (b) The fee for renewal of a license provided in subsection 2.

21 **Sec. 39.** Section 11 of chapter 431, Statutes of Nevada 1997, at page
22 1524, is hereby amended to read as follows:

23 Sec. 11. NRS 389.090 is hereby amended to read as follows:

24 389.090 1. The state board shall adopt regulations governing
25 the establishment, conduct and scope of automobile driver
26 education in the public schools of this state.

27 2. The aims and purposes of automobile driver education are to
28 develop the knowledge, attitudes, habits and skills necessary for the
29 safe operation of motor vehicles.

30 3. The board of trustees of a school district may establish and
31 maintain automobile driver education classes during regular
32 semesters and summer sessions and during the regular school day
33 and at times other than during the regular school day for:

34 (a) Pupils enrolled in the regular full-time day high schools in
35 the school district.

36 (b) Pupils enrolled in summer classes conducted in high schools
37 in the school district.

38 A board of trustees maintaining courses in automobile driver
39 education shall insure against any liability arising out of the use of
40 motor vehicles in connection with those courses. The cost of the
41 insurance must be paid from available school district funds.

42 4. A governing body of a charter school may establish and
43 maintain automobile driver education classes if the governing body

insures against any liability arising out of the use of motor vehicles in connection with those courses.

5. Automobile driver education must be provided by boards of trustees of school districts and governing bodies of charter schools in accordance with the regulations of the state board and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

6. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must include, without limitation, instruction in

~~motor~~ :

(a) *Motor* vehicle insurance.

(b) *The effect of drugs and alcohol on an operator of a motor vehicle.*

7. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must be restricted to pupils who are sophomores, juniors or seniors in high school.

Sec. 40. Section 9 of chapter 433, Statutes of Nevada 1997, at page 1532, is hereby amended to read as follows:

Sec. 9. 1. Sections 1 to ~~7~~ 6, inclusive, of this act expire by limitation on the date on which the qualified electors of this state approve a constitutional amendment that establishes an intermediate court of appeals within the State of Nevada.

2. Notwithstanding the provisions of subsection 1, the additional justices whose positions are abolished by the establishment of an intermediate court of appeals must be permitted to serve the remainder of the terms to which they were elected. At the end of those terms, the positions of the additional justices must be abolished, along with the positions of any staff hired directly to support the additional justices.

Sec. 41. 1. Sections 8 and 10 of chapter 434, Statutes of Nevada 1997, at pages 1535 and 1539, respectively, are hereby amended to read respectively as follows:

Sec. 8. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the Nevada highway patrol division of the department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the department; and

1 (b) Submit the information collected to the central repository in
2 the manner recommended by the advisory committee and approved
3 by the director of the department.

4 3. Each agency of criminal justice shall submit the information
5 relating to sexual offenses and other records of criminal history it
6 collects, and any information in its possession relating to the genetic
7 markers of the blood and the secretor status of the saliva of a person
8 who is convicted of sexual assault or any other sexual offense, to
9 the division in the manner prescribed by the director of the
10 department. A report of disposition must be submitted to the
11 division:

12 (a) Through an electronic network;

13 (b) On a medium of magnetic storage; or

14 (c) In the manner prescribed by the director of the department,
15 within 30 days after the date of disposition. If an agency has
16 submitted a record regarding the arrest of a person who is later
17 determined by the agency not to be the person who committed the
18 particular crime, the agency shall, immediately upon making that
19 determination, so notify the division. The division shall delete all
20 references in the central repository relating to that particular arrest.

21 4. The division shall:

22 (a) Collect, maintain and arrange all information submitted to it
23 relating to:

24 (1) Sexual offenses and other records of criminal history; and

25 (2) The genetic markers of the blood and the secretor status of
26 the saliva of a person who is convicted of sexual assault or any
27 other sexual offense.

28 (b) Use a record of the subject's fingerprints as the basis for any
29 records maintained regarding him.

30 (c) Upon request during a state of emergency proclaimed
31 pursuant to NRS 414.070, provide the information that is contained
32 in the central repository to the state disaster identification team of
33 the division of emergency management of the department of motor
34 vehicles and public safety.

35 5. The division may:

36 (a) Disseminate any information which is contained in the
37 central repository to any other agency of criminal justice;

38 (b) Enter into cooperative agreements with federal and state
39 repositories to facilitate exchanges of such information; and

40 (c) Request of and receive from the Federal Bureau of
41 Investigation information on the background and personal history of
42 any person:

1 (1) Who has applied to any agency of the state or any political
2 subdivision for a license which it has the power to grant or deny;

3 (2) With whom any agency of the state or any political
4 subdivision intends to enter into a relationship of employment or a
5 contract for personal services;

6 (3) About whom any agency of the state or any political
7 subdivision has a legitimate need to have accurate personal
8 information for the protection of the agency or the persons within
9 its jurisdiction; or

10 (4) For whom such information is required to be obtained
11 pursuant to section 4 of ~~this act.~~ *Assembly Bill No. 155 of this*
12 *session.*

13 6. The central repository shall:

14 (a) Collect and maintain records, reports and compilations of
15 statistical data submitted by any agency pursuant to subsection 2.

16 (b) Tabulate and analyze all records, reports and compilations of
17 statistical data received pursuant to this section.

18 (c) Disseminate to federal agencies engaged in the collection of
19 statistical data relating to crime information which is contained in
20 the central repository.

21 (d) Investigate the criminal history of any person who:

22 (1) Has applied to the superintendent of public instruction for
23 a license;

24 (2) Has applied to a county school district for employment; or

25 (3) Is employed by a county school district,
26 and notify the superintendent of each county school district and the
27 superintendent of public instruction if the investigation of the
28 central repository indicates that the person has been convicted of a
29 violation of NRS 200.508, 201.230, 453.3385, 453.339 or
30 453.3395, or convicted of a felony or any offense involving moral
31 turpitude.

32 (e) Upon discovery, notify the superintendent of each county
33 school district by providing him with a list of all persons:

34 (1) Investigated pursuant to paragraph (d); or

35 (2) Employed by a county school district whose fingerprints
36 were sent previously to the central repository for investigation,
37 who the central repository's records indicate have been convicted of
38 a violation of NRS 200.508, 201.230, 453.3385, 453.339 or
39 453.3395, or convicted of a felony or any offense involving moral
40 turpitude since the central repository's initial investigation. The
41 superintendent of each county school district shall determine
42 whether further investigation or action by the district is appropriate.

1 (f) Investigate the criminal history of each person who submits
2 fingerprints or has his fingerprints submitted pursuant to section 3
3 or 4 of ~~this act.~~ *Assembly Bill No. 155 of this session.*

4 (g) On or before July 1 of each year, prepare and present to the
5 governor a printed annual report containing the statistical data
6 relating to crime received during the preceding calendar year.
7 Additional reports may be presented to the governor throughout the
8 year regarding specific areas of crime if they are recommended by
9 the advisory committee and approved by the director of the
10 department.

11 (h) *On or before January 31 of each odd-numbered year,*
12 *prepare and submit to the director of the legislative counsel*
13 *bureau, for submission to the legislature, a report containing*
14 *statistical data about domestic violence in this state.*

15 (i) Identify and review the collection and processing of statistical
16 data relating to criminal justice and delinquency of children by any
17 agency identified in subsection 2, and make recommendations for
18 any necessary changes in the manner of collecting and processing
19 statistical data by any such agency.

20 7. The central repository may:

21 (a) At the recommendation of the advisory committee and in the
22 manner prescribed by the director of the department, disseminate
23 compilations of statistical data and publish statistical reports
24 relating to crime or delinquency of children.

25 (b) Charge a reasonable fee for any publication or special report
26 it distributes relating to data collected pursuant to this section. The
27 central repository may not collect such a fee from an agency of
28 criminal justice, any other agency dealing with crime or
29 delinquency of children which is required to submit information
30 pursuant to subsection 2 or the state disaster identification team of
31 the division of emergency management of the department of motor
32 vehicles and public safety. All money collected pursuant to this
33 paragraph must be used to pay for the cost of operating the central
34 repository.

35 8. As used in this section, “advisory committee” means the
36 committee established by the director of the department pursuant to
37 NRS 179A.078.

38 Sec. 10. NRS 481.245 is hereby amended to read as follows:

39 481.245 1. When a coroner is unable to establish the identity
40 of a dead body by means other than by dental records, he shall have
41 a dental examination of the body made by a dentist. The dentist
42 shall prepare a record of his findings and forward it to the

1 investigation division ~~and~~ *and to the central repository for Nevada*
2 *records of criminal history.*

3 2. Each sheriff, chief of police or other law enforcement agency
4 which receives a report of a person missing under suspicious
5 circumstances who is 18 years or older shall:

6 (a) Transmit to the investigation division ~~and~~ *and to the central*
7 *repository for Nevada records of criminal history:*

8 (1) The initial report that contains identifying information
9 concerning the missing person within 72 hours after the receipt of
10 that report; and

11 (2) Any subsequent report concerning the missing person
12 within 5 working days after the receipt of that report if the report
13 contains additional identifying information concerning the missing
14 person;

15 (b) Notify immediately such persons and make inquiries
16 concerning the missing person as the agency deems necessary; and

17 (c) Enter the information concerning the missing person into the
18 computer for the National Crime Information Center ~~and~~ *and the*
19 *central repository for Nevada records of criminal history*, if
20 appropriate.

21 3. The sheriff, chief of police or other law enforcement agency
22 ~~may~~ *shall* request the written consent of the next of kin or
23 guardian of a person who has been reported to him as missing for
24 30 days or more to obtain ~~the dental records of~~ *certain identifying*
25 *information about* the missing person ~~that the National Crime~~
26 *Information Center recommends be provided* from ~~that person's~~
27 ~~dentist.~~ *the appropriate providers of medical care.* After receiving
28 the written consent, the sheriff, chief of police or other law
29 enforcement agency shall obtain the ~~dental records from the~~
30 ~~dentist~~ *identifying information from the providers of medical*
31 *care* and forward ~~them~~ *that information* and any other relevant
32 information to the investigation division *and to the central*
33 *repository for Nevada records of criminal history* for comparison
34 with the ~~dental records of~~ *identifying information that is on file*
35 *concerning* unidentified deceased persons. This subsection does not
36 prevent the voluntary release of *identifying information about* the
37 missing ~~person's dental records~~ *person* by the next of kin or
38 guardian of the missing person at any time.

39 4. The next of kin or guardian of the person reported as missing
40 shall promptly notify the appropriate law enforcement agency when
41 the missing person is found.

1 5. The sheriff, chief of police or other law enforcement agency
2 shall inform the investigation division , *the central repository for*
3 *Nevada records of criminal history* and the National Crime
4 Information Center when a missing person has been found.

5 6. The investigation division *and the central repository for*
6 *Nevada records of criminal history* shall:

7 (a) Maintain the records and other information forwarded to ~~it~~
8 *them* pursuant to subsections 1, 2 and 3 for the purpose of
9 comparing the records and otherwise assisting in the identification
10 of dead bodies; and

11 (b) Upon request during a state of emergency proclaimed
12 pursuant to NRS 414.070, provide the records and other
13 information that are maintained pursuant to this subsection to the
14 state disaster identification team of the division of emergency
15 management of the department.

16 2. Chapter 434, Statutes of Nevada 1997, at page 1540, is hereby
17 amended by adding thereto a new section to be designated as section 13,
18 immediately following section 12, to read as follows:

19 Sec. 13. Section 8 of this act becomes effective at 12:01 a.m.
20 on October 1, 1997.

21 **Sec. 42.** 1. Section 6 of chapter 438, Statutes of Nevada 1997, at
22 page 1551, is hereby amended to read as follows:

23 Sec. 6. *1. This section and sections 5.1 and 5.2 of this act*
24 *become effective at 12:01 a.m. on September 30, 1997.*

25 *2. Sections 2, 4 and 5 of this act become effective at 12:01 a.m.*
26 *on October 1, 1997.*

27 2. Chapter 438, Statutes of Nevada 1997, at page 1551, is hereby
28 amended by adding thereto new sections to be designated as sections 5.1
29 and 5.2, immediately following section 5, to read respectively as follows:

30 Sec. 5.1. Section 21 of chapter 599, Statutes of Nevada 1997,
31 at page 3008, is hereby amended to read as follows:

32 Sec. 21. 1. This section and sections 13 to 16, inclusive, of
33 this act become effective upon passage and approval.

34 2. Sections 12 ~~[and 17 to 20, inclusive,]~~ , *17, 18 and 19* of
35 this act become effective at 12:01 a.m. on October 1, 1997.

36 Sec. 5.2. Section 20 of chapter 599, Statutes of Nevada 1997,
37 at page 3006, is hereby repealed.

38 **Sec. 43.** Section 5 of chapter 439, Statutes of Nevada 1997, at page
39 1556, is hereby amended to read as follows:

40 Sec. 5. This act becomes effective ~~[upon passage and~~
41 ~~approval.]~~ *on July 15, 1997.*

1 **Sec. 44.** 1. Section 2 of chapter 444, Statutes of Nevada 1997, at
2 page 1562, is hereby amended to read as follows:

3 Sec. 2. NRS 333.340 is hereby amended to read as follows:

4 333.340 1. Every contract or order must be awarded to the
5 lowest responsible bidder. To determine the lowest responsible
6 bidder, the chief may consider:

7 (a) The location of the using agency to be supplied.

8 (b) The qualities of the articles to be supplied.

9 (c) The total cost of ownership of the articles to be supplied.

10 (d) ~~The~~ *Except as otherwise provided in paragraph (e), the*
11 conformity of the articles to be supplied with the specifications.

12 (e) *If the articles are an alternative to the articles listed in the*
13 *original request for bids, whether the advertisement for bids*
14 *included a statement that bids for an alternative article will be*
15 *considered if:*

16 (1) *The specifications of the alternative article meet or*
17 *exceed the specifications of the article listed in the original*
18 *request for bids;*

19 (2) *The purchase of the alternative article results in a lower*
20 *price; and*

21 (3) *The chief deems the purchase of the alternative article to*
22 *be in the best interests of the State of Nevada.*

23 (f) The purposes for which the articles to be supplied are
24 required.

25 ~~(f)~~ (g) The dates of delivery of the articles to be supplied.

26 2. If a contract or an order is not awarded to the lowest bidder,
27 the chief shall provide the lowest bidder with a written statement
28 which sets forth the specific reasons that the contract or order was
29 not awarded to him.

30 3. As used in this section, “total cost of ownership” includes,
31 but is not limited to:

32 (a) The history of maintenance or repair of the articles;

33 (b) The cost of routine maintenance and repair of the articles;

34 (c) Any warranties provided in connection with the articles;

35 (d) The cost of replacement parts for the articles; and

36 (e) The value of the articles as used articles when given in trade
37 on a subsequent purchase.

38 2. Chapter 444, Statutes of Nevada 1997, at page 1563, is hereby
39 amended by adding thereto a new section to be designated as section 3,
40 immediately following section 2, to read as follows:

41 Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on
42 October 1, 1997.

1 **Sec. 45.** 1. Sections 3 and 6 of chapter 445, Statutes of
2 Nevada 1997, at pages 1563 and 1566, respectively, are hereby
3 amended to read respectively as follows:

4 Sec. 3. 1. *Except as otherwise provided in this section, if a*
5 *child is adjudicated delinquent for an act that, if committed by an*
6 *adult, would be a category A or category B felony and the act was*
7 *a sexual offense or involved the use or threatened use of force or*
8 *violence against the victim, the records relating to the child must*
9 *not be sealed pursuant to the provisions of NRS 62.370.*

10 2. *If a child who is subject to the provisions of subsection 1 is*
11 *not adjudicated delinquent for any other subsequent act that, if*
12 *committed by an adult, would be a felony and is not otherwise*
13 *convicted of a felony as an adult before reaching 24 years of age,*
14 *all records relating to the child must be automatically sealed*
15 *when the child reaches 24 years of age as provided in subsection*
16 *4 of NRS 62.370.*

17 3. *The provisions of this section:*

18 (a) *Apply to a child who is relieved of being subject to*
19 *community notification as a juvenile sex offender pursuant to*
20 *section 91 of Senate Bill No. 325 of this session.*

21 (b) *Do not apply to a child who is deemed to be an adult sex*
22 *offender pursuant to section 91 of Senate Bill No. 325 of this*
23 *session.*

24 Sec. 6. NRS 62.380 is hereby amended to read as follows:

25 62.380 Any decree or order entered by a judge or master of a
26 juvenile court, district court, justice's court or municipal court
27 concerning a child within the purview of this chapter must contain,
28 for the benefit of the child, an explanation of the contents of *section*
29 *3 of this act*, NRS 62.370 and, if applicable, section 91.1 of ~~this~~
30 ~~act.~~ *Senate Bill No. 325 of this session.*

31 2. Chapter 445, Statutes of Nevada 1997, at page 1566, is hereby
32 amended by adding thereto a new section to be designated as section 6.1,
33 immediately following section 6, to read as follows:

34 Sec. 6.1. Section 91.1 of chapter 451, Statutes of Nevada
35 1997, at page 1676, is hereby amended to read as follows:

36 Sec. 91.1. 1. The records relating to a child must not be
37 sealed pursuant to the provisions of NRS 62.370 while the child
38 is subject to community notification as a juvenile sex offender.

39 2. ~~If~~ *Except as otherwise provided in section 3 of Senate*
40 *Bill No. 285 of this session, if* the child is relieved of being
41 subject to community notification as a juvenile sex offender
42 pursuant to section 91 of ~~this act.~~ *Senate Bill No. 325 of this*
43 *session*, all records relating to the child must be automatically

1 sealed when the child reaches 24 years of age as provided in
2 subsection 4 of NRS 62.370.

3 3. If the child is deemed to be an adult sex offender pursuant
4 to section 91 of ~~{this act}~~ *Senate Bill No. 325 of this session* or is
5 otherwise convicted of a sexual offense, as defined in section 48
6 of ~~{this act,}~~ *Senate Bill No. 325 of this session*, as an adult
7 before reaching 21 years of age:

8 (a) The records relating to the child must not be sealed
9 pursuant to the provisions of NRS 62.370; and

10 (b) Each delinquent act committed by the child that would
11 have been a sexual offense, as defined in section 48 of ~~{this act,}~~
12 *Senate Bill No. 325 of this session*, if committed by an adult,
13 shall be deemed to be a criminal conviction for the purposes of:

14 (1) Registration and community notification pursuant to
15 sections 42 to 76, inclusive, of ~~{this act,}~~ *Senate Bill No. 325 of*
16 *this session*; and

17 (2) The statewide registry established within the central
18 repository pursuant to sections 2 to 20, inclusive, of ~~{this act,}~~
19 *Senate Bill No. 325 of this session*.

20 **Sec. 46.** Section 16 of chapter 446, Statutes of Nevada 1997, at page
21 1574, is hereby amended to read as follows:

22 Sec. 16. NRS 361.320 is hereby amended to read as follows:

23 361.320 1. At the regular session of the Nevada tax
24 commission commencing on the first Monday in October of each
25 year, the Nevada tax commission shall establish the valuation for
26 assessment purposes of any property of an interstate and intercounty
27 nature, which must in any event include the property of all interstate
28 or intercounty railroad, sleeping car, private car, street railway,
29 traction, telegraph, water, telephone, *scheduled and unscheduled*
30 air transport, electric light and power companies, together with their
31 franchises, and the property and franchises of all railway express
32 companies operating on any common or contract carrier in this
33 state. This valuation must not include the value of vehicles as
34 defined in NRS 371.020.

35 2. Except as otherwise provided in subsection 3 and NRS
36 361.323, the commission shall establish and fix the valuation of the
37 franchise, if any, and all physical property used directly in the
38 operation of any such business of any such company in this state, as
39 a collective unit. If the company is operating in more than one
40 county, on establishing the unit valuation for the collective
41 property, the commission shall then determine the total aggregate
42 mileage operated within the state and within its several counties,
43 and apportion the mileage upon a mile-unit valuation basis. The

1 number of miles apportioned to any county are subject to
2 assessment in that county according to the mile-unit valuation
3 established by the commission.

4 3. After establishing the valuation, as a collective unit, of a
5 public utility which generates, transmits or distributes electricity,
6 the commission shall segregate the value of any project in this state
7 for the generation of electricity which is not yet put to use. This
8 value must be assessed in the county where the project is located
9 and must be taxed at the same rate as other property.

10 4. The Nevada tax commission shall adopt formulas, and cause
11 them to be incorporated in its records, providing the method or
12 methods pursued in fixing and establishing the taxable value of all
13 franchises and property assessed by it. The formulas must be
14 adopted and may be changed from time to time upon its own motion
15 or when made necessary by judicial decisions, but the formulas
16 must in any event show all the elements of value considered by the
17 commission in arriving at and fixing the value for any class of
18 property assessed by it. These formulas must take into account, as
19 indicators of value, the company's income, stock and debt, and the
20 cost of its assets.

21 5. If two or more persons perform separate functions that
22 collectively are needed to deliver electric service to the final
23 customer and the property used in performing the functions would
24 be centrally assessed if owned by one person, the Nevada tax
25 commission shall establish its valuation and apportion the valuation
26 among the several counties in the same manner as the valuation of
27 other centrally assessed property. The Nevada tax commission shall
28 determine the proportion of the tax levied upon the property by
29 each county according to the valuation of the contribution of each
30 person to the aggregate valuation of the property. This subsection
31 does not apply to qualified facilities, as defined in 18 C.F.R. §
32 292.101, which were constructed before July 1, 1997.

33 6. As used in this section, "company" means any person,
34 company, corporation or association engaged in the business
35 described.

36 7. All other property must be assessed by the county assessors,
37 except as otherwise provided in NRS 361.321 and 362.100 and
38 except that the valuation of land and mobile homes must be
39 established for assessment purposes by the Nevada tax commission
40 as provided in NRS 361.325.

41 8. On or before November 1 of each year, the department shall
42 forward a tax statement to each private car line company based on
43 the valuation established pursuant to this section and in accordance

1 with the tax levies of the several districts in each county. The
2 company shall remit the ad valorem taxes due on or before
3 December 15 to the department which shall allocate the taxes due
4 each county on a mile-unit basis and remit the taxes to the counties
5 no later than January 31. The portion of the taxes which is due the
6 state must be transmitted directly to the state treasurer. A company
7 which fails to pay the tax within the time required shall pay a
8 penalty of 10 percent of the tax due or \$5,000, whichever is greater,
9 in addition to the tax. Any amount paid as a penalty must be
10 deposited in the state general fund. The department may, for good
11 cause shown, waive the payment of a penalty pursuant to this
12 subsection. As an alternative to any other method of recovering
13 delinquent taxes provided by this chapter, the attorney general may
14 bring a civil action in a court of competent jurisdiction to recover
15 delinquent taxes due pursuant to this subsection in the manner
16 provided in NRS 361.560.

17 **Sec. 47.** Sections 34, 53, 87 and 88 of chapter 447, Statutes of Nevada
18 1997, at pages 1609, 1617 and 1633, are hereby amended to read
19 respectively as follows:

20 Sec. 34. NRS 321.500 is hereby amended to read as follows:

21 321.500 1. The commission may, on behalf of the State of
22 Nevada, purchase or otherwise acquire from the Federal
23 Government all or any portion of the lands described in subsection
24 2, at intervals during any period when a purchase or acquisition may
25 be made as provided by the Congress of the United States,
26 including any extension of time granted by the Secretary of the
27 Interior, or otherwise.

28 2. The lands referred to in subsection 1 are described as
29 follows:

30 (a) Parcel 1. All of sections 1, 12 and 13; fractional sections 24
31 and 25, T. 33 S., R. 65 E.

32 (b) Parcel 2. All of sections 6, 7 and 8; fractional sections 4, 5,
33 9, 10 and 15, all of section 16, fractional section 17, all of section
34 18, fractional sections 19, 20, 21, 30 and 31, T. 33 S., R. 66 E.

35 (c) Parcel 3. All of sections 9, 10, 11, 14, 15 and 16, east 1/2
36 section 20, all of sections 21, 22, 23, fractional sections 24, 25 and
37 26, all of sections 27 and 28, east 1/2 section 29, southeast 1/4
38 section 31, fractional sections 32, 33, 34 and 35, T. 32 S., R. 66 E.

39 (d) Parcel 4. Fractional sections 4 and 5, T. 34 S., R. 66 E.,
40 and any other surveyed land or any unsurveyed land lying between
41 the lands described in parcels 2, 3 and 4 and the Arizona-Nevada
42 state line.

1 All ~~range~~ references *to township and range* in this subsection
2 refer to Mount Diablo base and meridian.

3 Sec. 53. NRS 458.420 is hereby amended to read as follows:

4 458.420 The commission shall:

5 1. Develop and coordinate a state master plan ~~which~~ *that*
6 must include ~~[-]~~ *, without limitation:*

7 (a) All existing and future plans and reports developed by state
8 and local agencies, task forces, councils, committees and
9 community programs for substance abuse education, prevention,
10 enforcement and treatment;

11 (b) A summary of the current activities of the commission;

12 (c) The goals and objectives of the commission;

13 (d) The order of priority concerning the efforts required to
14 achieve the goals and objectives of the commission; and

15 (e) A statement of the roles of state and local governmental
16 agencies and the private sector in the achievement of the goals and
17 objectives of the commission.

18 2. Prepare and deliver to the governor on or before September
19 1 of each year a report ~~which~~ *that* summarizes the status of the
20 state master plan and of the efforts of the commission to achieve its
21 goals and objectives.

22 3. Hold and coordinate public hearings throughout the state as
23 *are* necessary to receive information from the public relating to
24 education concerning the abuse of drugs and alcohol, prevention
25 and treatment of the abuse of drugs and alcohol and the
26 enforcement of laws relating to drugs and alcohol.

27 4. Encourage the creation of state and local task forces,
28 councils and committees relating to education concerning the abuse
29 of drugs and alcohol, prevention and treatment of the abuse of drugs
30 and alcohol and enforcement of laws relating to drugs and alcohol
31 and develop procedures to receive information and
32 recommendations from the task forces, councils and committees on
33 a regular basis.

34 5. Recommend to the governor in its annual report any
35 proposed legislation relating to education concerning the abuse of
36 drugs and alcohol, prevention and treatment of the abuse of drugs
37 and alcohol and enforcement of laws relating to drugs and alcohol.

38 6. Collect, evaluate and disseminate information concerning the
39 performance of the programs for substance abuse education,
40 prevention, enforcement and treatment.

41 7. Disseminate information concerning any new developments
42 in research or programs for substance abuse education, prevention,
43 enforcement and treatment.

8. Establish a program to recognize publicly persons and programs that have helped to prevent and treat the abuse of drugs and alcohol and enforce laws relating to drugs and alcohol in this state.

9. Disseminate information concerning the provisions of NRS 62.226 and 62.227 and sections 2 and 3 of ~~this act~~ *Assembly Bill No. 176 of this session* with the assistance of the department of ~~human resources,~~ *employment, training and rehabilitation*, the department of motor vehicles and public safety, and the superintendent of public instruction.

Sec. 87. NRS 630A.300 and 695A.008, *and section 13 of chapter 603, Statutes of Nevada 1997, at page 3024*, are hereby repealed.

Sec. 88. 1. This section and sections 1 to 3, inclusive, sections 5 to 13, inclusive, sections 15 to 19, inclusive, sections 21 to 29, inclusive, *section 33*, sections ~~33~~ *35* to 39, inclusive, sections 41 to 87, inclusive, and section 89 of this act become effective upon passage and approval.

2. Sections 20, 30, 31 and 32 of this act become effective at 12:01 a.m. on July 1, 1997.

3. *Section 34 of this act becomes effective on July 17, 1997.*

4. Sections 4 and 14 of this act become effective at 12:01 a.m. on October 1, 1997.

Sec. 48. 1. Section 5 of chapter 454, Statutes of Nevada 1997, at page 1719, is hereby amended to read as follows:

Sec. 5. 1. This section and sections 2 and 3 of this act become effective upon passage and approval.

2. Sections 1 and 4 of this act become effective on October 1, 1997.

3. *Section 1.5 of this act becomes effective on July 1, 1999.*

2. Chapter 454, Statutes of Nevada 1997, at page 1718, is hereby amended by adding thereto a new section to be designated as section 1.5, immediately following section 1, to read as follows:

Sec. 1.5. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The department, through the *welfare* division, ~~of health care financing and policy,~~ shall pay, under the state plan for Medicaid:

(a) A freestanding facility for hospice care licensed pursuant to NRS 449.030; or

(b) A program for hospice care licensed pursuant to NRS 449.030,

for the services for hospice care provided by that facility or program to a person who is eligible to receive Medicaid.

2. As used in this section:

(a) “Freestanding facility for hospice care” has the meaning ascribed to it in NRS 449.006.

(b) “Hospice care” has the meaning ascribed to it in NRS 449.0115.

Sec. 49. 1. Sections 2, 4, 5 and 6 of chapter 455, Statutes of Nevada 1997, at pages 1720, 1721 and 1722, are hereby amended to read respectively as follows:

Sec. 2. NRS 200.508 is hereby amended to read as follows:
200.508 1. A person who:

(a) Willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect; or

(b) Is responsible for the safety or welfare of a child and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect,
is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for an act or omission which brings about the abuse, neglect or danger.

2. A person who violates any provision of subsection 1, if substantial bodily or mental harm results to the child **§**:

(a) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) In all other such cases to which paragraph (a) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.

3. As used in this section:

(a) “Abuse or neglect” means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110,

432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

(1) Permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his normal range of performance or behavior.

Sec. 4. NRS 201.195 is hereby amended to read as follows:

201.195 1. A person who incites, entices or solicits a minor to engage in acts which constitute the infamous crime against nature:

(a) If the minor actually engaged in such acts as a result ~~H~~ and:

(1) The minor was less than 14 years of age, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

(2) The minor was 14 years of age or older, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the minor did not engage in such acts:

(1) For the first offense, is guilty of a gross misdemeanor.

(2) For any subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. As used in this section, the "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex. Any sexual penetration, however slight, is sufficient to complete the infamous crime against nature.

Sec. 5. NRS 201.230 is hereby amended to read as follows:

201.230 A person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child, is guilty of a category ~~B~~ A felony and

1 shall be punished by imprisonment in the state prison for ~~1a~~
2 ~~minimum term of not less than 2 years and a maximum term of not~~
3 ~~more than~~ *life with the possibility of parole, with eligibility for*
4 *parole beginning when a minimum of 10 years* ~~1b~~ *has been*
5 *served*, and may be further punished by a fine of not more than
6 \$10,000.

7 Sec. 6. Chapter 213 of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 *1. In addition to any conditions of parole required to be*
10 *imposed pursuant to section 94 of Senate Bill No. 325 of this*
11 *session, as a condition of releasing on parole a prisoner who was*
12 *convicted of committing an offense listed in subsection 2 against*
13 *a child under the age of 14 years, the board shall, when*
14 *appropriate:*

15 *(a) Require the parolee to participate in psychological*
16 *counseling;*

17 *(b) Prohibit the parolee from being alone with a child unless*
18 *another adult who has never been convicted of a sexual offense is*
19 *present; and*

20 *(c) Prohibit the parolee from being on or near the grounds of*
21 *any place that is primarily designed for use by or for children,*
22 *including, without limitation, a public or private school, a center*
23 *or facility that provides day care services, a video arcade and an*
24 *amusement park.*

25 *2. The provisions of subsection 1 apply to a prisoner who was*
26 *convicted of:*

27 *(a) Sexual assault pursuant to paragraph (c) of subsection 3 of*
28 *NRS 200.366;*

29 *(b) Abuse or neglect of a child pursuant to paragraph (a) of*
30 *subsection 2 of NRS 200.508;*

31 *(c) An offense punishable pursuant to subsection 2 of NRS*
32 *200.750;*

33 *(d) Solicitation of a minor to engage in acts constituting the*
34 *infamous crime against nature pursuant to subparagraph (1) of*
35 *paragraph (a) of subsection 1 of NRS 201.195;*

36 *(e) Lewdness with a child pursuant to NRS 201.230; or*

37 *(f) Any combination of the crimes listed in paragraphs (a) to*
38 *(e), inclusive.*

39 2. Chapter 455, Statutes of Nevada 1997, at page 1723, is hereby
40 amended by adding thereto a new section to be designated as section 10,
41 immediately following section 9, to read as follows:

42 Sec. 10. Sections 2, 4 and 5 of this act become effective at
43 12:01 a.m. on October 1, 1997.

1 **Sec. 50.** Section 5 of chapter 464, Statutes of Nevada 1997, at
2 page 1739, is hereby amended to read as follows:

3 Sec. 5. NRS 354.624 is hereby amended to read as follows:

4 354.624 1. Each local government shall provide for an annual
5 audit of all of its:

6 (a) Funds;

7 (b) Account groups; and

8 (c) Separate accounts established pursuant to NRS 354.603.

9 A local government may provide for more frequent audits as it
10 deems necessary. Except as otherwise provided in subsection 2,
11 each annual audit must be concluded and the report of the audit
12 submitted to the governing body as provided in subsection 5 not
13 later than 5 months after the close of the fiscal year for which the
14 audit is conducted. An extension of this time may be granted by the
15 department of taxation to any local government ~~{which makes}~~ **that**
16 **submits an** application for an extension ~~{}~~ **to the department.** If the
17 local government fails to provide for an audit in accordance with
18 the provisions of this section, the department of taxation shall cause
19 the audit to be made at the expense of the local government. All
20 audits must be ~~{made}~~ **conducted** by a public accountant **who is**
21 certified or registered or by a partnership or professional
22 corporation **that is** registered pursuant to chapter 628 of NRS.

23 2. The annual audit of a school district must be concluded and
24 the report submitted to the board of trustees as provided in
25 subsection 5 not later than 4 months after the close of the fiscal year
26 for which the audit is conducted.

27 3. The governing body may, without requiring competitive
28 bids, designate the auditor or firm annually. The auditor or firm
29 must be designated not later than 3 months before the close of the
30 fiscal year for which the audit is to be made.

31 4. Each annual audit must cover the business of the local
32 government during the full fiscal year. It must be a financial audit
33 conducted in accordance with generally accepted auditing
34 standards, including comment on compliance with statutes and
35 regulations, recommendations for improvements and any other
36 comments deemed pertinent by the auditor, including his expression
37 of opinion on the financial statements. The **department of taxation**
38 **shall prescribe the** form of the financial statements, ~~{must be~~
39 ~~prescribed by the department of taxation,}~~ and the chart of accounts
40 must be as nearly as possible the same as **the chart** that **is** used in
41 the preparation and publication of the annual budget. The report of
42 the audit must include:

1 (a) A schedule of all fees imposed by the local government
2 which were subject to the provisions of NRS 354.5989;

3 (b) A comparison of *the* operations of the local government with
4 the approved budget ~~{and}~~, *including* a statement from the auditor
5 that ~~{previously noted}~~ *indicates whether the governing body has*
6 *taken action by adoption as recommended, by adoption with*
7 *modifications or by rejection on any* deficiencies in operations and
8 ~~{previously made}~~ recommendations for improvements ~~{contained}~~
9 *which were noted or made* in previous reports ; ~~{have been acted~~
10 ~~upon by adoption as recommended, adoption with modifications or~~
11 ~~rejection; and}~~

12 (c) A statement from the auditor ~~{indicating}~~ *that indicates*
13 whether each of the following funds established by the local
14 government is being used expressly for the purposes for which it
15 was created, in the form required by NRS 354.6241:

16 (1) An enterprise fund.

17 (2) An internal service fund.

18 (3) A trust or agency fund.

19 (4) A self-insurance fund.

20 (5) A fund whose balance is required by law to be:

21 (I) Used only for a specific purpose other than the payment
22 of compensation to a bargaining unit, as defined in NRS 288.028;
23 or

24 (II) Carried forward to the succeeding fiscal year in any
25 designated amount ~~{I}~~ ; *and*

26 *(d) A list and description of any property conveyed to a*
27 *nonprofit organization pursuant to section 1 or 3 of this act.*

28 5. The recommendations and the summary of the narrative
29 comments contained in the report of the audit must be read in full at
30 a meeting of the governing body held not more than 30 days after
31 the report is submitted to it. Immediately thereafter, the entire
32 report, together with any related letter to the governing body
33 required by generally accepted auditing standards or by regulations
34 adopted pursuant to NRS 354.594, must be filed as a public record
35 with:

36 (a) The clerk or secretary of the governing body;

37 (b) The county clerk;

38 (c) The department of taxation; and

39 (d) In the case of a school district, the department of education.

40 6. The governing body shall act upon the recommendations of
41 the report of the audit within 3 months after receipt of the report,
42 unless prompter action is required concerning violations of law or
43 regulation, by setting forth in its minutes its intention to adopt the

1 recommendations, to adopt them with modifications or to reject
2 them for reasons shown in the minutes.

3 **Sec. 51.** Sections 1 and 8 of chapter 466, Statutes of Nevada 1997, at
4 pages 1742 and 1750, respectively, are hereby amended to read
5 respectively as follows:

6 Section 1. NRS 483.460 is hereby amended to read as follows:

7 483.460 1. Except as otherwise provided by statute, the
8 department shall revoke the license, permit or privilege of any
9 driver upon receiving a record of his conviction of any of the
10 following offenses, when that conviction has become final, and the
11 driver is not eligible for a license, permit or privilege to drive for
12 the period indicated:

13 (a) For a period of 3 years if the offense is:

14 (1) A violation of subsection 2 of NRS 484.377.

15 (2) A third or subsequent violation within 7 years of NRS
16 484.379.

17 (3) A violation of NRS 484.3795 or homicide resulting from
18 driving a vehicle while under the influence of intoxicating liquor or
19 a controlled substance.

20 The period during which such a driver is not eligible for a license,
21 permit or privilege to drive must be set aside during any period of
22 imprisonment and the period of revocation must resume upon
23 completion of the period of imprisonment or when the person is
24 placed on residential confinement.

25 (b) For a period of 1 year if the offense is:

26 (1) Any other manslaughter resulting from the driving of a
27 motor vehicle or felony in the commission of which a motor vehicle
28 is used, including the unlawful taking of a motor vehicle.

29 (2) Failure to stop and render aid as required pursuant to the
30 laws of this state in the event of a motor vehicle accident resulting
31 in the death or bodily injury of another.

32 (3) Perjury or the making of a false affidavit or statement
33 under oath to the department ~~under~~ *pursuant to* NRS 483.010 to
34 483.630, inclusive, or pursuant to any other law relating to the
35 ownership or driving of motor vehicles.

36 (4) Conviction, or forfeiture of bail not vacated, upon three
37 charges of reckless driving committed within a period of 12 months.

38 (5) A second violation within 7 years of NRS 484.379 and,
39 except as otherwise provided in subsection 3 of NRS 483.490, the
40 driver is not eligible for a restricted license during any of that
41 period.

42 (6) A violation of NRS 484.348.

1 (c) For a period of 90 days, if the offense is a first violation
2 within 7 years of NRS 484.379.

3 2. The department shall revoke the license, permit or privilege
4 of a driver convicted of violating NRS 484.379 who fails to
5 complete the educational course on the use of alcohol and
6 controlled substances within the time ordered by the court and shall
7 add a period of 90 days during which the driver is not eligible for a
8 license, permit or privilege ~~H~~ to drive.

9 3. When the department is notified by a court that a person who
10 has been convicted of violating NRS 484.379 has been permitted to
11 enter a program of treatment pursuant to NRS 484.3794 ~~H~~ or
12 section 3 of this act, the department shall reduce by one-half the
13 period during which he is not eligible for a license, permit or
14 privilege to drive, but shall restore that reduction in time if notified
15 that he was not accepted for or failed to complete the treatment.

16 4. The department shall revoke the license, permit or privilege
17 to drive of a ~~driver~~ person who is required to install a device
18 pursuant to NRS 484.3943 but who operates a motor vehicle
19 without such a device:

20 (a) For 3 years, if it is his first such offense during the period of
21 required use of the device.

22 (b) For 5 years, if it is his second such offense during the period
23 of required use of the device.

24 5. A driver whose license, permit or privilege is revoked
25 pursuant to subsection 4 is not eligible for a restricted license
26 during the period set forth in paragraph (a) or (b) of that subsection,
27 whichever is applicable.

28 6. When the department is notified that a court has:

29 (a) Pursuant to paragraph (h) of subsection 1 of NRS 62.211,
30 NRS 62.226 or 62.228, or section 2 of Assembly Bill No. 176 of
31 this session or section 14 of Assembly Bill No. 486 of this session,
32 ordered the suspension or delay in the issuance of a child's license;

33 (b) Pursuant to NRS 206.330, ordered the suspension or delay in
34 the issuance of a person's license; or

35 (c) Pursuant to NRS 62.227, ordered the revocation of a child's
36 license,
37 the department shall take such actions as are necessary to carry out
38 the court's order.

39 7. As used in this section, "device" has the meaning ascribed to
40 it in NRS 484.3941.

41 Sec. 8. 1. ~~Section~~ Sections 1 and 4 of this act ~~becomes~~
42 become effective at 12:01 a.m. on October 1, 1997.

1 2. Section 7 of this act becomes effective at 12:02 a.m. on
2 October 1, 1997.

3 **Sec. 52.** 1. Sections 5, 27, 30, 31 and 64 of chapter 473, Statutes of
4 Nevada 1997, at pages 1759, 1770, 1773, 1774 and 1788, respectively, are
5 hereby amended to read respectively as follows:

6 Sec. 5. *The department shall, on or before December 15 of*
7 *each year:*

8 1. *Evaluate the information submitted by each school district*
9 *pursuant to paragraphs (b), (g) and (i) of subsection 2 of NRS*
10 *385.347; and*

11 2. *Based upon its evaluation and in accordance with the*
12 *criteria set forth in sections 6 and 7 of this act, designate each*
13 *public school within each school district as:*

14 (a) *Demonstrating high achievement;*

15 (b) *Demonstrating adequate achievement; or*

16 (c) *Demonstrating inadequate achievement.*

17 Sec. 27. 1. *The commission on educational technology,*
18 *consisting of 11 members, is hereby created. The superintendent*
19 *of public instruction and the director of the department of*
20 *information technology shall serve ex officio as nonvoting*
21 *members of the commission.*

22 2. *The governor shall appoint the following voting members*
23 *to the commission, at least two of whom must reside in a county*
24 *whose population is less than 100,000:*

25 (a) *One administrator in a public school who possesses*
26 *knowledge and experience in the general application of*
27 *technology;*

28 (b) *One school teacher in a public elementary school who*
29 *possesses knowledge and experience in the use of educational*
30 *technology in the public schools;*

31 (c) *One school teacher in a public secondary school who*
32 *possesses knowledge and experience in the use of educational*
33 *technology in the public schools;*

34 (d) *One representative of public libraries who possesses*
35 *knowledge and experience in the general application of*
36 *technology;*

37 (e) *One representative of the University and Community*
38 *College System of Nevada who possesses knowledge and*
39 *experience in the use of educational technology in institutions of*
40 *higher education;*

41 (f) *One representative of the private sector who possesses*
42 *knowledge and experience in the use of technology; and*

1 (g) One parent or legal guardian who possesses knowledge and
2 experience in the general application of technology.

3 3. The senate majority leader shall appoint two voting
4 members to the commission:

5 (a) One of whom is a member of the senate; and

6 (b) One of whom is employed in the field of technology.

7 4. The speaker of the assembly shall appoint two voting
8 members to the commission:

9 (a) One of whom is a member of the assembly; and

10 (b) One of whom is employed in the field of technology.

11 5. The governor shall appoint a chairman among the voting
12 members of the commission.

13 6. The term of each member of the commission is 2 years,
14 commencing on July 1 of each odd-numbered year and expiring
15 on June 30 of the immediately succeeding odd-numbered year.
16 Upon the expiration of a term of a member, he may be
17 reappointed, if he still possesses any requisite qualifications for
18 appointment. There is no limit on the number of terms that a
19 member may serve.

20 7. The person or entity who appoints a member to the
21 commission may remove that member if the member neglects his
22 duty or commits malfeasance in office, or for other just cause.
23 Any vacancy in the membership of the commission must be filled
24 for the remainder of the unexpired term in the same manner as
25 the original appointment.

26 8. The commission shall hold at least four regular meetings
27 each year, and may hold special meetings at the call of the
28 chairman.

29 9. Members of the commission who are not legislators serve
30 without compensation, except that for each day or portion of a
31 day during which a member of the commission attends a meeting
32 of the commission or is otherwise engaged in the business of the
33 commission, he is entitled to receive the per diem allowance and
34 travel expenses provided for state officers and employees
35 generally.

36 10. For each day or portion of a day during which a member
37 of the commission who is a legislator attends a meeting of the
38 commission or is otherwise engaged in the work of the
39 commission, except during a regular or special session of the
40 legislature, he is entitled to receive the:

41 (a) Compensation provided for a majority of the members of
42 the legislature during the first 60 days of the preceding session;

1 ***(b) Per diem allowance provided for state officers and***
2 ***employees generally; and***

3 ***(c) Travel expenses provided pursuant to NRS 218.2207.***
4 ***The compensation, per diem allowances and travel expenses of***
5 ***the legislative members of the commission must be paid from the***
6 ***legislative fund.***

7 Sec. 30. NRS 389.015 is hereby amended to read as follows:
8 389.015 1. The board of trustees of each school district shall
9 administer examinations in all public schools within its district to
10 determine the achievement and proficiency of pupils in:

11 (a) Reading;

12 (b) Writing; ~~and~~

13 ~~–(c) Mathematics.–~~

14 ***(c) Mathematics; and***

15 ***(d) Science.***

16 2. The examinations required by subsection 1 must be:

17 (a) Administered before the completion of grades 4, 8, **10** and
18 11.

19 (b) Administered in each school district at the same time. The
20 time for the administration of the examinations must be prescribed
21 by the state board.

22 (c) Administered in each school in accordance with uniform
23 procedures adopted by the state board. The department shall
24 monitor the compliance of school districts and individual schools
25 with the uniform procedures.

26 (d) Scored by the department or a single private entity that has
27 contracted with the state board to score the examinations. If a
28 private entity scores the examinations, it shall report the results of
29 the examinations in the form and by the date required by the
30 department.

31 3. Not more than 14 working days after the results of the
32 examinations are reported to the department by a private entity that
33 scored the examinations or the department completes the scoring of
34 the examinations, the superintendent of public instruction shall
35 certify that the results of the examinations have been transmitted to
36 each school district. Not more than 10 working days after a school
37 district receives the results of the examinations, the superintendent
38 of public instruction shall certify that the results of the examinations
39 have been transmitted to each school within the school district. Not
40 more than 10 working days after each school receives the results of
41 the examinations, the principal of each school shall certify that the
42 results for each pupil have been provided to the parent or legal
43 guardian of the pupil:

1 (a) During a conference between the teacher of the pupil or
2 administrator of the school and the parent or legal guardian of the
3 pupil; or

4 (b) By mailing the results of the examinations to the last known
5 address of the parent or legal guardian of the pupil.

6 4. Different standards of proficiency may be adopted for pupils
7 with diagnosed learning disabilities. If different standards of
8 proficiency are adopted or other modifications or accommodations
9 are made in the administration of the examinations for a pupil who
10 is enrolled in a program of special education pursuant to NRS
11 388.440 to 388.520, inclusive, other than a gifted and talented
12 pupil, the different standards adopted or other modifications or
13 accommodations must be set forth in the pupil's program of special
14 education developed in accordance with the Individuals with
15 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the
16 standards prescribed by the state board.

17 5. If a pupil fails to demonstrate *at least* adequate achievement
18 on the examination administered before the completion of grade 4
19 ~~for 8,~~ *8 or 10*, he may be promoted to the next higher grade, but
20 the results of his examination must be evaluated to determine what
21 remedial study is appropriate. *If such a pupil is enrolled at a*
22 *school that has been designated as demonstrating inadequate*
23 *achievement pursuant to section 7 of this act, the pupil must, in*
24 *accordance with the requirements set forth in this subsection,*
25 *complete a program of remedial study pursuant to section 10 of*
26 *this act.*

27 6. If a pupil fails to pass the proficiency examination
28 administered before the completion of grade 11, he must not be
29 graduated until he is able, through remedial study, to pass the
30 proficiency examination, but he may be given a certificate of
31 attendance, in place of a diploma, if he has reached the age of 17
32 years.

33 ~~[6.]~~ 7. The state board shall prescribe standard examinations of
34 achievement and proficiency to be administered pursuant to
35 subsection 1. The examinations on reading, ~~and~~ mathematics *and*
36 *science* prescribed for grades 4, ~~and~~ *8 and 10* must be selected
37 from examinations created by private entities and administered to a
38 national reference group, and must allow for a comparison of the
39 achievement and proficiency of pupils in grades 4, ~~and~~ *8 and 10*
40 in this state to that of a national reference group of pupils in grades
41 4 ~~and 8,~~ *8 and 10*. The questions contained in the examinations
42 and the approved answers used for grading them are confidential,
43 and disclosure is unlawful except:

1 (a) To the extent necessary for administering and evaluating the
2 examinations.

3 (b) That a disclosure may be made to a state officer who is a
4 member of the executive or legislative branch to the extent that it is
5 related to the performance of that officer's duties.

6 (c) That specific questions and answers may be disclosed if the
7 superintendent of public instruction determines that the content of
8 the questions and answers is not being used in a current examination
9 and making the content available to the public poses no threat to the
10 security of the current examination process.

11 Sec. 31. NRS 389.017 is hereby amended to read as follows:

12 389.017 1. The state board shall prescribe regulations
13 requiring that each board of trustees of a school district submit to
14 the superintendent of public instruction ~~and~~ *and the department*, in
15 the form and manner prescribed by the superintendent, the results of
16 achievement and proficiency examinations given in the 4th, 8th ,
17 *10th* and 11th grades ~~to~~ *to* public school pupils in the district. The
18 state board shall not include in the regulations any provision which
19 would violate the confidentiality of the test scores of any individual
20 pupil.

21 2. The results of examinations administered to all pupils must
22 be reported for each school, school district and this state as follows:

23 (a) The average score of pupils with disabilities for whom
24 different standards of achievement are adopted or other
25 modifications or accommodations are made if such reporting does
26 not violate the confidentiality of the test scores of any individual
27 pupil;

28 (b) The average score of pupils for whom different standards of
29 achievement were not adopted or other modifications or
30 accommodations were not made; and

31 (c) The average score of all pupils who were tested.

32 3. On or before November 1 of each year, each school district
33 shall report to the department the following information for each
34 examination administered in the public schools in the school
35 district:

36 (a) The examination administered;

37 (b) The grade level or levels of pupils to whom the examination
38 was administered;

39 (c) The costs incurred by the school district in administering
40 each examination; and

41 (d) The purpose, if any, for which the results of the examination
42 are used by the school district.

1 On or before December 1 of each year, the department shall
2 transmit to the budget division of the department of administration
3 and the fiscal analysis division of the legislative counsel bureau the
4 information submitted to the department pursuant to this subsection.

5 4. The superintendent of schools of each school district shall
6 certify that the number of pupils who took the examinations
7 required pursuant to NRS 389.015 is equal to the number of pupils
8 who are enrolled in each school in the school district who are
9 required to take the examinations except for those pupils who are
10 exempt from taking the examinations. A pupil may be exempt from
11 taking the examinations if:

12 (a) His proficiency in the English language is below the average
13 proficiency of pupils at the same grade level; or

14 (b) He is enrolled in a program of special education pursuant to
15 NRS 388.440 to 388.520, inclusive, and his program of special
16 education specifies that he is exempt from taking the examinations.

17 5. In addition to the information required by subsection 3, the
18 superintendent of public instruction shall:

19 (a) Report the number of pupils who were not exempt from
20 taking the examinations but were absent from school on the day that
21 the examinations were administered; and

22 (b) Reconcile the number of pupils who were required to take
23 the examinations with the number of pupils who were exempt from
24 taking the examinations or absent from school on the day that the
25 examinations were administered.

26 Sec. 64. 1. This section and section 63 of this act become
27 effective upon passage and approval.

28 2. Subsection 1 of section 61 of this act becomes effective on
29 June 30, 1997. Subsections 2 to 11, inclusive, of section 61 of this
30 act become effective on July 1, 1997.

31 3. Section 27 of this act becomes effective upon passage and
32 approval for purposes of appointing members to the commission on
33 educational technology, created pursuant to section 27 of this act,
34 and on July 1, 1997, for all other purposes.

35 4. Section 37 of this act becomes effective upon passage and
36 approval for purposes of appointing members to the legislative
37 committee on education, created pursuant to section 37 of this act,
38 and on July 1, 1997, for all other purposes.

39 5. Section 43 of this act becomes effective upon passage and
40 approval for purposes of appointing members to the council to

1 establish academic standards for public schools, created pursuant to
2 section 43 of this act, and on July 1, 1997, for all other purposes,
3 and expires by limitation on June 30, 2001.

4 6. Sections 20 to 26, inclusive, 28 to 36, inclusive, 38 to ~~[42,]~~
5 **42.1**, inclusive, 46 to 60, inclusive, and 62 of this act become
6 effective on July 1, 1997.

7 7. Sections 44 and 45 of this act become effective on July 1,
8 1997, and expire by limitation on June 30, 2003.

9 8. Sections 1 to 19, inclusive, of this act become effective on
10 January 1, 1998.

11 2. Chapter 473, Statutes of Nevada 1997, at page 1779, is hereby
12 amended by adding thereto a new section to be designated as section 42.1,
13 immediately following section 42, to read as follows:

14 Sec. 42.1. Sections 42 and 43 of chapter 480, Statutes of
15 Nevada 1997, at pages 1868 and 1869, respectively, are hereby
16 amended to read respectively as follows:

17 Sec. 42. NRS 389.015 is hereby amended to read as follows:

18 389.015 1. The board of trustees of each school district
19 shall administer examinations in all public schools ~~[within its~~
20 ~~district to]~~ **of the school district. The governing body of a**
21 **charter school shall administer the same examinations in the**
22 **charter school. The examinations administered by the board of**
23 **trustees and governing body must** determine the achievement
24 and proficiency of pupils in:

- 25 (a) Reading;
26 (b) Writing;
27 (c) Mathematics; and
28 (d) Science.

29 2. The examinations required by subsection 1 must be:

30 (a) Administered before the completion of grades 4, 8, 10 and
31 11.

32 (b) Administered in each school district **and each charter**
33 **school** at the same time. The time for the administration of the
34 examinations must be prescribed by the state board.

35 (c) Administered in each school in accordance with uniform
36 procedures adopted by the state board. The department shall
37 monitor the compliance of school districts and individual schools
38 with the uniform procedures.

39 (d) Scored by the department or a single private entity that has
40 contracted with the state board to score the examinations. If a
41 private entity scores the examinations, it shall report the results of
42 the examinations in the form and by the date required by the
43 department.

1 3. Not more than 14 working days after the results of the
2 examinations are reported to the department by a private entity
3 that scored the examinations or the department completes the
4 scoring of the examinations, the superintendent of public
5 instruction shall certify that the results of the examinations have
6 been transmitted to each school district ~~and~~ *and each charter*
7 *school*. Not more than 10 working days after a school district
8 receives the results of the examinations, the superintendent of
9 public instruction shall certify that the results of the examinations
10 have been transmitted to each school within the school district.
11 Not more than 10 working days after each school receives the
12 results of the examinations, the principal of each school *and the*
13 *governing body of each charter school* shall certify that the
14 results for each pupil have been provided to the parent or legal
15 guardian of the pupil:

16 (a) During a conference between the teacher of the pupil or
17 administrator of the school and the parent or legal guardian of the
18 pupil; or

19 (b) By mailing the results of the examinations to the last
20 known address of the parent or legal guardian of the pupil.

21 4. Different standards of proficiency may be adopted for
22 pupils with diagnosed learning disabilities. If different standards
23 of proficiency are adopted or other modifications or
24 accommodations are made in the administration of the
25 examinations for a pupil who is enrolled in a program of special
26 education pursuant to NRS 388.440 to 388.520, inclusive, other
27 than a gifted and talented pupil, the different standards adopted
28 or other modifications or accommodations must be set forth in
29 the pupil's program of special education developed in accordance
30 with the Individuals with Disabilities Education Act, 20 U.S.C.
31 §§ 1400 et seq., and the standards prescribed by the state board.

32 5. If a pupil fails to demonstrate at least adequate
33 achievement on the examination administered before the
34 completion of grade 4, 8 or 10, he may be promoted to the next
35 higher grade, but the results of his examination must be evaluated
36 to determine what remedial study is appropriate. If such a pupil is
37 enrolled at a school that has been designated as demonstrating
38 inadequate achievement pursuant to section 7 of ~~this act,~~ *Senate*
39 *Bill No. 482 of this session*, the pupil must, in accordance with
40 the requirements set forth in this subsection, complete a program
41 of remedial study pursuant to section 10 of ~~this act,~~ *Senate Bill*
42 *No. 482 of this session*.

1 6. If a pupil fails to pass the proficiency examination
2 administered before the completion of grade 11, he must not be
3 graduated until he is able, through remedial study, to pass the
4 proficiency examination, but he may be given a certificate of
5 attendance, in place of a diploma, if he has reached the age of 17
6 years.

7 7. The state board shall prescribe standard examinations of
8 achievement and proficiency to be administered pursuant to
9 subsection 1. The examinations on reading, mathematics and
10 science prescribed for grades 4, 8 and 10 must be selected from
11 examinations created by private entities and administered to a
12 national reference group, and must allow for a comparison of the
13 achievement and proficiency of pupils in grades 4, 8 and 10 in
14 this state to that of a national reference group of pupils in grades
15 4, 8 and 10. The questions contained in the examinations and the
16 approved answers used for grading them are confidential, and
17 disclosure is unlawful except:

18 (a) To the extent necessary for administering and evaluating
19 the examinations.

20 (b) That a disclosure may be made to a state officer who is a
21 member of the executive or legislative branch to the extent that it
22 is related to the performance of that officer's duties.

23 (c) That specific questions and answers may be disclosed if
24 the superintendent of public instruction determines that the
25 content of the questions and answers is not being used in a
26 current examination and making the content available to the
27 public poses no threat to the security of the current examination
28 process.

29 Sec. 43. NRS 389.017 is hereby amended to read as follows:

30 389.017 1. The state board shall prescribe regulations
31 requiring that each board of trustees of a school district *and each*
32 *governing body of a charter school* submit to the superintendent
33 of public instruction and the department, in the form and manner
34 prescribed by the superintendent, the results of achievement and
35 proficiency examinations given in the 4th, 8th, 10th and 11th
36 grades to public school pupils ~~in~~ of the district ~~in~~ *and charter*
37 *schools*. The state board shall not include in the regulations any
38 provision which would violate the confidentiality of the test
39 scores of any individual pupil.

40 2. The results of examinations administered to all pupils
41 must be reported for each school, *including, without limitation,*
42 *each charter school*, school district and this state as follows:

1 (a) The average score of pupils with disabilities for whom
2 different standards of achievement are adopted or other
3 modifications or accommodations are made if such reporting
4 does not violate the confidentiality of the test scores of any
5 individual pupil;

6 (b) The average score of pupils for whom different standards
7 of achievement were not adopted or other modifications or
8 accommodations were not made; and

9 (c) The average score of all pupils who were tested.

10 3. On or before November 1 of each year, each school
11 district **and each charter school** shall report to the department
12 the following information for each examination administered in
13 the public schools in the school district **or charter school:**

14 (a) The examination administered;

15 (b) The grade level or levels of pupils to whom the
16 examination was administered;

17 (c) The costs incurred by the school district **or charter school**
18 in administering each examination; and

19 (d) The purpose, if any, for which the results of the
20 examination are used by the school district **or charter**
21 **school.**

22 On or before December 1 of each year, the department shall
23 transmit to the budget division of the department of
24 administration and the fiscal analysis division of the legislative
25 counsel bureau the information submitted to the department
26 pursuant to this subsection.

27 4. The superintendent of schools of each school district **and**
28 **the governing body of each charter school** shall certify that the
29 number of pupils who took the examinations required pursuant to
30 NRS 389.015 is equal to the number of pupils who are enrolled
31 in each school in the school district **or in the charter school** who
32 are required to take the examinations except for those pupils who
33 are exempt from taking the examinations. A pupil may be exempt
34 from taking the examinations if:

35 (a) His proficiency in the English language is below the
36 average proficiency of pupils at the same grade level; or

37 (b) He is enrolled in a program of special education pursuant
38 to NRS 388.440 to 388.520, inclusive, and his program of special
39 education specifies that he is exempt from taking the
40 examinations.

41 5. In addition to the information required by subsection 3,
42 the superintendent of public instruction shall:

1 (a) Report the number of pupils who were not exempt from
2 taking the examinations but were absent from school on the day
3 that the examinations were administered; and

4 (b) Reconcile the number of pupils who were required to take
5 the examinations with the number of pupils who were exempt
6 from taking the examinations or absent from school on the day
7 that the examinations were administered.

8 **Sec. 53.** Section 3 of chapter 474, Statutes of Nevada 1997, at page
9 1790, is hereby amended to read as follows:

10 Sec. 3. NRS 41.500 is hereby amended to read as follows:

11 41.500 1. Except as otherwise provided in NRS 41.505, any
12 person in this state who renders emergency care or assistance in an
13 emergency, gratuitously and in good faith, is not liable for any civil
14 damages as a result of any act or omission, not amounting to gross
15 negligence, by him in rendering the emergency care or assistance or
16 as a result of any act or failure to act, not amounting to gross
17 negligence, to provide or arrange for further medical treatment for
18 the injured person.

19 2. Any person in this state who acts as a driver of an ambulance
20 or attendant on an ambulance operated by a volunteer service or as
21 a volunteer driver or attendant on an ambulance operated by a
22 political subdivision of this state, or owned by the Federal
23 Government and operated by a contractor of the Federal
24 Government, and who in good faith renders emergency care or
25 assistance to any injured or ill person, whether at the scene of an
26 emergency or while transporting an injured or ill person to or from
27 any clinic, doctor's office or other medical facility, is not liable for
28 any civil damages as a result of any act or omission, not amounting
29 to gross negligence, by him in rendering the emergency care or
30 assistance, or as a result of any act or failure to act, not amounting
31 to gross negligence, to provide or arrange for further medical
32 treatment for the injured or ill person.

33 3. Any appointed member of a volunteer service operating an
34 ambulance or an appointed volunteer serving on an ambulance
35 operated by a political subdivision of this state, other than a driver
36 or attendant, of an ambulance, is not liable for any civil damages as
37 a result of any act or omission, not amounting to gross negligence,
38 by him whenever he is performing his duties in good faith.

39 4. Any person who is a member of a search and rescue
40 organization in this state under the direct supervision of any county
41 sheriff who in good faith renders care or assistance in an emergency
42 to any injured or ill person, whether at the scene of an emergency or
43 while transporting an injured or ill person to or from any clinic,

1 doctor's office or other medical facility, is not liable for any civil
2 damages as a result of any act or omission, not amounting to gross
3 negligence, by him in rendering the emergency care or assistance,
4 or as a result of any act or failure to act, not amounting to gross
5 negligence, to provide or arrange for further medical treatment for
6 the injured or ill person.

7 5. Any person who is employed by or serves as a volunteer for
8 a public fire-fighting agency and who is authorized pursuant to
9 chapter 450B of NRS to render emergency medical care at the
10 scene of an emergency is not liable for any civil damages as a result
11 of any act or omission, not amounting to gross negligence, by that
12 person in rendering that care or as a result of any act or failure to
13 act, not amounting to gross negligence, to provide or arrange for
14 further medical treatment for the injured or ill person.

15 6. Any person who:

16 (a) Has successfully completed a course in cardiopulmonary
17 resuscitation according to the guidelines of the American National
18 Red Cross or American Heart Association;

19 (b) Has successfully completed the training requirements of a
20 course in basic emergency care of a person in cardiac arrest
21 conducted in accordance with the standards of the American Heart
22 Association; or

23 (c) Is directed by the instructions of a dispatcher for an
24 ambulance, air ambulance or other agency that provides
25 emergency medical services before its arrival at the scene of the
26 emergency,
27 and who in good faith renders cardiopulmonary resuscitation in
28 accordance with his training or the direction, other than in the
29 course of his regular employment or profession, is not liable for any
30 civil damages as a result of any act or omission, not amounting to
31 gross negligence, by that person in rendering that care.

32 7. For the purposes of subsection 6, a person who:

33 (a) Is required to be certified in the administration of
34 cardiopulmonary resuscitation pursuant to section 1 of ~~this act;~~
35 *Senate Bill No. 316 of this session;* and

36 (b) In good faith renders cardiopulmonary resuscitation on the
37 property of a public school or in connection with a transportation of
38 pupils to or from a public school or while on activities that are part
39 of the program of a public school,
40 shall be presumed to have acted other than in the course of his
41 regular employment or profession.

1 8. Any person who has successfully completed the training
2 requirements of a course in basic emergency care of a person in
3 cardiac arrest that:

4 (a) Included training in the operation and use of an automatic
5 external defibrillator; and

6 (b) Was conducted in accordance with the standards of the
7 American Heart Association,
8 and who renders emergency medical care involving the use of an
9 automatic external defibrillator in accordance with his training is
10 not liable for any civil damages as a result of any act or omission,
11 not amounting to gross negligence, by that person in rendering
12 that care. A business or organization that employs a person who
13 renders emergency care in accordance with this subsection is not
14 liable for any civil damages as a result of any act or omission, not
15 amounting to gross negligence, by the person rendering such care
16 or for providing the automatic external defibrillator to the person
17 for the purpose of rendering such care.

18 **Sec. 54.** Sections 3, 5, 6, 8 and 34 of chapter 476, Statutes of Nevada
19 1997, at pages 1802, 1804, 1806 and 1821, are hereby amended to read
20 respectively as follows:

21 Sec. 3. NRS 171.137 is hereby amended to read as follows:

22 171.137 1. Except as otherwise provided in subsection 2,
23 whether or not a warrant has been issued, a peace officer shall,
24 unless mitigating circumstances exist, arrest a person when he has
25 probable cause to believe that the person to be arrested has, within
26 the preceding 24 hours, committed a battery upon his spouse,
27 former spouse, ~~or~~ any other person to whom he is related by blood
28 ~~or~~ marriage, a person with whom he is or was actually residing
29 ~~or~~, a person with whom he has had or is having a dating
30 relationship, a person with whom he has a child in common, ~~his~~
31 the minor child of any of those persons or ~~or~~ his minor child . ~~of~~
32 that person.]

33 2. If the peace officer has probable cause to believe that a
34 battery described in subsection 1 was a mutual battery, he shall
35 attempt to determine which person was the primary physical
36 aggressor. If the peace officer determines that one of the persons
37 who allegedly ~~committing~~ committed a battery was the primary
38 physical aggressor involved in the incident, the peace officer is not
39 required to arrest any other person believed to have committed a
40 battery during the incident. In determining whether a person is a
41 primary physical aggressor for the purposes of this subsection, the
42 peace officer shall consider:

43 (a) Prior domestic violence involving either person;

1 (b) The relative severity of the injuries inflicted upon the persons
2 involved;

3 (c) The potential for future injury;

4 (d) Whether one of the alleged batteries was committed in self-
5 defense; and

6 (e) Any other factor ~~which helps~~ *that may help* the peace
7 officer decide which person ~~is~~ *was* the primary physical aggressor.

8 3. A peace officer shall not base his decision *regarding*
9 whether to arrest a person pursuant to this section on his perception
10 of the willingness of a victim or a witness to the incident to testify
11 or otherwise participate in related judicial proceedings.

12 *4. As used in this section, “dating relationship” means*
13 *frequent, intimate associations primarily characterized by the*
14 *expectation of affectional or sexual involvement. The term does*
15 *not include a casual relationship or an ordinary association*
16 *between persons in a business or social context.*

17 Sec. 5. NRS 3.223 is hereby amended to read as follows:

18 3.223 1. Except if the child involved is subject to the
19 jurisdiction of an Indian tribe pursuant to the Indian Child Welfare
20 Act of 1978 (25 U.S.C. §§ 1901 et seq.), in each judicial district in
21 which it is established, the family court has original, exclusive
22 jurisdiction in any proceeding:

23 (a) Brought pursuant to chapter 31A, 62, 123, 125, 125A, 125B,
24 126, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to the
25 extent that a specific statute authorizes the use of any other judicial
26 or administrative procedure to facilitate the collection of an
27 obligation for support.

28 (b) Brought pursuant to NRS 442.255 and 442.2555 to request
29 the court to issue an order authorizing an abortion.

30 (c) For judicial approval of the marriage of a minor.

31 (d) Otherwise within the jurisdiction of the juvenile court.

32 (e) To establish the date of birth, place of birth or parentage of a
33 minor.

34 (f) To change the name of a minor.

35 (g) For a judicial declaration of the sanity of a minor.

36 (h) To approve the withholding or withdrawal of life-sustaining
37 procedures from a person as authorized by law.

38 (i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive,
39 for an involuntary court-ordered admission to a mental health
40 facility.

41 2. The family court, where established, and the justices’ court
42 have concurrent jurisdiction over actions for the issuance of a

1 temporary or extended order for protection against domestic
2 violence.

3 ***3. The family court, where established, and the district court,***
4 ***have concurrent jurisdiction over any action for damages brought***
5 ***pursuant to section 16 of this act by a person who suffered injury***
6 ***as the proximate result of an act that constitutes domestic***
7 ***violence.***

8 Sec. 6. NRS 4.373 is hereby amended to read as follows:

9 4.373 1. Except as otherwise provided ***in subsection 2,*** by
10 specific statute or unless the suspension of a sentence is expressly
11 forbidden, a justice of the peace may suspend, for not more than 1
12 year, the sentence of a person convicted of a misdemeanor. When
13 the circumstances warrant, the justice of the peace may order as a
14 condition of suspension that the offender:

15 (a) Make restitution to the owner of any property that is lost,
16 damaged or destroyed as a result of the commission of the offense;

17 (b) Engage in a program of work for the benefit of the
18 community, for not more than 200 hours;

19 (c) Actively participate in a program of professional counseling
20 at the expense of the offender;

21 (d) Abstain from the use of alcohol and controlled substances;

22 (e) Refrain from engaging in any criminal activity;

23 (f) Engage or refrain from engaging in any other conduct
24 deemed appropriate by the justice of the peace;

25 (g) Submit to a search and seizure by the chief of a department
26 of alternative sentencing, an assistant alternative sentencing officer
27 or any other law enforcement officer at any time of the day or night
28 without a search warrant; and

29 (h) Submit to periodic tests to determine whether the offender is
30 using a controlled substance or consuming alcohol.

31 ***2. If a person is convicted of a misdemeanor that constitutes***
32 ***domestic violence pursuant to NRS 33.018, the justice of the***
33 ***peace may, after the person has served any mandatory minimum***
34 ***period of confinement, suspend the remainder of the sentence of***
35 ***the person for not more than 3 years upon the condition that the***
36 ***person actively participate in:***

37 ***(a) A program of treatment for the abuse of alcohol or drugs***
38 ***which is certified by the bureau of alcohol and drug abuse of the***
39 ***rehabilitation division of the department of employment, training***
40 ***and rehabilitation;***

41 ***(b) A program for the treatment of persons who commit***
42 ***domestic violence that has been certified pursuant to section 30 of***
43 ***this act; or***

1 *(c) Both programs set forth in paragraphs (a) and (b),*
2 *and that he comply with any other condition of suspension*
3 *ordered by the justice of the peace.*

4 3. The justice of the peace may order reports ~~[-from such~~
5 ~~persons and]~~ *from a person whose sentence is suspended* at such
6 times as he deems appropriate ~~[]~~ concerning the compliance of the
7 offender with the conditions of suspension. If the offender complies
8 with the conditions of suspension to the satisfaction of the justice of
9 the peace, the sentence may be reduced to not less than the
10 minimum period of confinement established for the offense.

11 ~~[3.]~~ 4. The justice of the peace may issue a warrant for the
12 arrest of an offender who violates or fails to fulfill a condition of
13 suspension.

14 Sec. 8. NRS 5.055 is hereby amended to read as follows:

15 5.055 1. Except as otherwise provided *in subsection 2*, by
16 specific statute or unless the suspension of a sentence is expressly
17 forbidden, a municipal judge may suspend, for not more than 1
18 year, the sentence of a person convicted of a misdemeanor. When
19 the circumstances warrant, the municipal judge may order as a
20 condition of suspension that the offender:

21 (a) Make restitution to the owner of any property that is lost,
22 damaged or destroyed as a result of the commission of the offense;

23 (b) Engage in a program of work for the benefit of the
24 community, for not more than 200 hours;

25 (c) Actively participate in a program of professional counseling
26 at the expense of the offender;

27 (d) Abstain from the use of alcohol and controlled substances;

28 (e) Refrain from engaging in any criminal activity;

29 (f) Engage or refrain from engaging in any other conduct
30 deemed appropriate by the municipal judge;

31 (g) Submit to a search and seizure by the chief of a department
32 of alternative sentencing, an assistant alternative sentencing officer
33 or any other law enforcement officer at any time of the day or night
34 without a search warrant; and

35 (h) Submit to periodic tests to determine whether the offender is
36 using any controlled substance or alcohol.

37 2. *If a person is convicted of a misdemeanor that constitutes*
38 *domestic violence pursuant to NRS 33.018, the municipal judge*
39 *may, after the person has served any mandatory minimum period*
40 *of confinement, suspend the remainder of the sentence of the*
41 *person for not more than 3 years upon the condition that the*
42 *person actively participate in:*

1 (a) *A program of treatment for the abuse of alcohol or drugs*
2 *which is certified by the bureau of alcohol and drug abuse of the*
3 *rehabilitation division of the department of employment, training*
4 *and rehabilitation;*

5 (b) *A program for the treatment of persons who commit*
6 *domestic violence that has been certified pursuant to section 30 of*
7 *this act; or*

8 (c) *Both programs set forth in paragraphs (a) and (b),*
9 *and that he comply with any other condition of suspension*
10 *ordered by the municipal judge.*

11 3. The municipal judge may order reports ~~from such persons~~
12 ~~and~~ *from a person whose sentence is suspended* at such times as
13 he deems appropriate ~~from~~ concerning the compliance of the offender
14 with the conditions of suspension. If the offender complies with the
15 conditions of suspension to the satisfaction of the municipal judge,
16 the sentence may be reduced to not less than the minimum period of
17 confinement established for the offense.

18 ~~3.~~ 4. The municipal judge may issue a warrant for the arrest
19 of an offender who violates or fails to fulfill a condition of
20 suspension.

21 Sec. 34. 1. This section and section 30 of this act become
22 effective on July 1, 1997.

23 2. Sections 1 ~~to 6, inclusive,~~ 2, 4, 4.5, 9 to 17, inclusive, 20
24 to 23, inclusive, 25 to 29, inclusive, 31, 32 and 33 of this act
25 become effective on October 1, 1997.

26 3. Sections 3, 5, 7 ~~8~~ and 24 of this act become effective at
27 12:01 a.m. on October 1, 1997.

28 4. *Sections 6 and 8 of this act become effective at 12:02 a.m.*
29 *on October 1, 1997.*

30 5. Sections 18 and 19 of this act become effective on January 1,
31 1998.

32 **Sec. 55.** Sections 38, 55 and 56 of chapter 480, Statutes of Nevada
33 1997, at pages 1865 and 1875, are hereby amended to read respectively as
34 follows:

35 Sec. 38. NRS 388.367 is hereby amended to read as follows:

36 388.367 1. There is hereby created in the state treasury the
37 fund for the school to careers program to be administered by the
38 state board. The superintendent may accept gifts and grants of
39 money from any source for deposit in the fund. All legislative
40 appropriations, gifts and grants made to the fund become a part of
41 the principal of the fund which may be reduced only by specific
42 legislative action. The interest and income earned on the money in

1 the fund, after deducting any applicable charges, must be credited to
2 the fund.

3 2. Money in the fund must be used for the program to provide
4 pupils with the skills to make the transition from school to careers
5 adopted pursuant to NRS 388.368.

6 3. Money in the fund must not be:

7 (a) Considered in negotiations between a recognized
8 organization of employees of a school district and the school
9 district; or

10 (b) Used to reduce the amount of money which would otherwise
11 be made available for occupational education in the absence of this
12 section.

13 4. The state board shall establish annually, within the limits of
14 money available in the fund, a basic allocation of ~~[\$25,000]~~ :

15 *(a) Twenty-five thousand dollars* to each school district and
16 each university and community college within the University and
17 Community College System of Nevada whose application to
18 participate in the program adopted pursuant to NRS 388.368 is
19 approved pursuant to subsection 5 of that section. ~~[The remaining]~~

20 *(b) Not more than \$25,000 to each charter school whose*
21 *application to participate in the program adopted pursuant to*
22 *NRS 388.368 is approved pursuant to subsection 5 of that section.*

23 5. Any money *remaining after the allocations made pursuant*
24 *to subsection 4* must be allocated to:

25 (a) School districts with approved applications in proportion to
26 the total number of pupils enrolled in grades 7 ~~[through]~~ to 12,
27 inclusive, within the district on the last day of the first month of the
28 school year preceding the school year for which the money is being
29 provided; ~~[and]~~

30 (b) *Charter schools with approved applications in proportion*
31 *to the total number of pupils enrolled in grades 7 to 12, inclusive,*
32 *within the charter school on the last day of the first month of the*
33 *school year preceding the school year for which the money is*
34 *being provided; and*

35 (c) Community colleges with approved applications in
36 proportion to the total number of full-time students enrolled on
37 October 15 of the school year preceding the school year for which
38 the money is being provided.

39 Sec. 55. NRS 392.170 is hereby amended to read as follows:

40 392.170 Upon the written complaint of any person, the board of
41 trustees of a school district *or the governing body of a charter*
42 *school* shall:

1 1. Make a full and impartial investigation of all charges against
2 parents, guardians or other persons having control or charge of any
3 child who is 17 years of age or younger for violation of any of the
4 provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to
5 392.160, inclusive, and sections 3 to 7, inclusive, of ~~{this act.}~~

6 *Assembly Bill No. 486 of this session.*

7 2. Make and file a written report of the investigation and the
8 findings thereof in the records of the board.

9 Sec. 56. NRS 392.180 is hereby amended to read as follows:

10 392.180 If it appears upon investigation that any parent,
11 guardian or other person having control or charge of any child who
12 is 17 years of age or younger has violated any of the provisions of
13 NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160,
14 inclusive, and sections 3 to 7, inclusive, of ~~{this act.}~~ *Assembly Bill*
15 *No. 486 of this session*, the clerk of the board of trustees ~~{}~~ *or the*
16 *governing body of a charter school in which the child is enrolled*,
17 except as otherwise provided in NRS 392.190, shall make and file
18 in the proper court a criminal complaint against the parent, guardian
19 or other person, charging the violation, and shall see that the charge
20 is prosecuted by the proper authority.

21 **Sec. 56.** 1. Sections 4, 15, 22, 23, 24, 39, 113, 120, 121, 129, 133,
22 135, 137, 150, 155 to 160, inclusive, 163, 164, 173, 174, 178, 179, 184,
23 189, 190, 194, 195, 196, 228, 239, 265, 276, 277, 282, 297, 332, 333.5,
24 334.5, 345 and 346 of chapter 482, Statutes of Nevada 1997, at pages
25 1881, 1883, 1886, 1887, 1888, 1891, 1925, 1927, 1930, 1931, 1932, 1936
26 to 1939, inclusive, 1941, 1944 to 1947, inclusive, 1949, 1950, 1953, 1965,
27 1967, 1980, 1988, 1992, 2001, 2020, 2021, 2023 and 2024, are hereby
28 amended to read respectively as follows:

29 Sec. 4. NRS 703.010 is hereby amended to read as follows:

30 703.010 As used in this chapter ~~{}~~, *unless the context*
31 *otherwise requires:*

32 1. *“Alternative seller” has the meaning ascribed to it in*
33 *section 30 of this act.*

34 2. “Commission” means the public service commission of
35 Nevada.

36 ~~{2.}~~ 3. “Fully regulated carrier” has the meaning ascribed to it
37 in NRS 706.072.

38 ~~{3.}~~ 4. “Tow car” has the meaning ascribed to it in NRS
39 706.131.

40 ~~{4.}~~ 5. “Towing services” has the meaning ascribed to it in
41 section 9 of ~~{this act.}~~ *Senate Bill No. 451 of this session.*

1 Sec. 15. NRS 703.191 is hereby amended to read as follows:
2 703.191 1. Each public utility ~~[, fully regulated carrier,~~
3 ~~operator of a tow car and broker of services]~~ regulated by the
4 commission shall:

5 (a) Keep uniform and detailed accounts of all business transacted
6 *in this state* in the manner required by the commission by
7 regulation, and render them to the commission upon its request.

8 (b) Furnish an annual report to the commission in the form and
9 detail which it prescribes by regulation.

10 ~~[The regulations of the commission may not require an operator of a~~
11 ~~tow car to keep accounts and report information concerning towing~~
12 ~~services other than information that is necessary to permit the~~
13 ~~commission to enforce the provisions of NRS 706.010 to 706.791,~~
14 ~~inclusive.~~

15 ~~—2.— Except as otherwise provided in subsection 3, the]~~

16 2. *The* reports required by this section must be prepared for
17 each calendar year and submitted not later than May 15 of the year
18 following the year for which the report is submitted.

19 3. ~~[A motor carrier may, with the permission of the~~
20 ~~commission, prepare the reports required by this section for a year~~
21 ~~other than a calendar year which the commission specifies, and~~
22 ~~submit them not later than a date specified by the commission in~~
23 ~~each year.~~

24 ~~—4.]~~ If the commission finds that necessary information is not
25 contained in a report submitted pursuant to this section, it may call
26 for the omitted information at any time.

27 Sec. 22. NRS 703.310 is hereby amended to read as follows:

28 703.310 1. When a complaint is made against any public
29 utility, fully regulated carrier, broker of regulated services , ~~[or]~~
30 operator of a tow car *or alternative seller* by any person, that:

31 (a) Any of the rates, tolls, charges or schedules ~~[,]~~ *for regulated*
32 *services*, or any joint rate or rates assessed by any public utility,
33 fully regulated carrier or broker of regulated services are in any
34 respect unreasonable or unjustly discriminatory;

35 (b) Any of the rates, tolls, charges or schedules, or any joint rate
36 or rates assessed by any operator of a tow car for towing services
37 performed without the prior consent of the owner of the vehicle or
38 the person authorized by the owner to operate the vehicle is
39 unreasonable or unjustly discriminatory;

40 (c) Any of the provisions of NRS 706.446 to 706.453, inclusive,
41 and sections 10, 11 and 11.5 of ~~[this act]~~ *Senate Bill No. 451 of*
42 *this session* have been violated;

1 (d) Any regulation, measurement, practice or act directly relating
2 to the transportation of persons or property, including the handling
3 and storage of that property, or the service of any broker in
4 connection therewith, or any regulation, measurement, practice or
5 act affecting or relating to the production, transmission or delivery
6 or furnishing of heat, light, gas, coal slurry, water or power, or any
7 service in connection therewith or the transmission thereof is, in any
8 respect, unreasonable, insufficient or unjustly discriminatory; or

9 (e) Any service is inadequate,
10 the division of consumer relations of the commission shall
11 investigate the complaint. After receiving the complaint, the
12 division shall give a copy of it to the public utility, carrier, broker ,
13 ~~for~~ operator of a tow car **or alternative seller** against whom the
14 complaint is made. Within a reasonable time thereafter, the public
15 utility, carrier, broker , ~~for~~ operator of a tow car **or alternative**
16 **seller** shall provide the ~~[division]~~ **commission** with its written
17 response to the complaint according to the regulations of the
18 commission.

19 2. If the division of consumer relations is unable to resolve the
20 complaint, the division shall transmit the complaint, the results of
21 its investigation and its recommendation to the commission. If the
22 commission determines that probable cause exists for the complaint,
23 it shall order a hearing thereof, give notice of the hearing and
24 conduct the hearing as it would any other hearing.

25 3. No order affecting a rate, toll, charge, schedule, regulation,
26 measurement, practice or act complained of may be entered without
27 a formal hearing unless the hearing is dispensed with as provided in
28 NRS 703.320.

29 Sec. 23. NRS 703.374 is hereby amended to read as follows:

30 703.374 1. A court of competent jurisdiction, after hearing,
31 may issue an injunction suspending or staying any final order of the
32 commission if:

33 (a) The applicant has filed a motion for a preliminary injunction;

34 (b) The applicant has served the motion on the commission and
35 other interested parties within 20 days after the rendition of the
36 order on which the complaint is based;

37 (c) The court finds there is a reasonable likelihood that the
38 applicant will prevail on the merits of the matter and will suffer
39 irreparable injury if injunctive relief is not granted; and

40 (d) The applicant files a bond or other undertaking to secure the
41 adverse parties in such manner as the court finds sufficient.

42 2. The decision of the commission on each matter considered
43 shall be deemed reasonable and just until set aside by the court, and

1 in all actions for injunction or otherwise ~~[(~~ the burden of proof is
2 upon the party attacking or resisting the order of the commission to
3 show by clear and satisfactory evidence that the order is unlawful,
4 or unreasonable, as the case may be.

5 3. If an injunction is granted by the court and the order
6 complained of is one which permanently suspends a schedule of
7 rates and charges or a part thereof filed by any public utility
8 pursuant to NRS 704.070 to 704.110, inclusive, ~~[or by any fully~~
9 ~~regulated carrier or operator of a tow car pursuant to NRS 706.321~~
10 ~~to 706.346, inclusive,]~~ or which otherwise prevents the schedule or
11 any part thereof from taking effect, the public utility ~~[(, carrier or~~
12 ~~operator of a tow car]~~ complaining may keep in effect or put into
13 effect, as the case may be, the suspended schedule or any part
14 thereof pending final determination by the court having jurisdiction,
15 by filing a bond with the court in such an amount as the court may
16 fix, conditioned upon the refund to persons entitled to the excess
17 amount if the rate or rates so suspended are finally determined by
18 the court to be excessive.

19 Sec. 24. NRS 703.375 is hereby amended to read as follows:

20 703.375 1. If a court determines that the rate or rates
21 considered by the commission are excessive, and that the public
22 utility ~~[(, fully regulated carrier or operator of a tow car]~~ has
23 collected those excessive rates, the public utility ~~[(, carrier or~~
24 ~~operator of a tow car]~~ shall compute and refund the excess or
25 overpayment of the rate or rates pursuant to a plan approved by the
26 commission ~~[(~~
27 ~~—(a) For public utilities,]~~ within 60 days after the entry of the final
28 judgment of the court.

29 ~~[(b) For carriers or operators of tow cars, within 120 days after~~
30 ~~the entry of the final judgment of the court.]~~

31 2. The public utility ~~[(, carrier or operator of a tow car]~~ shall
32 prepare and file with the commission a statement and report in
33 affidavit form stating that all money has been refunded according to
34 the approved plan, and if there are persons to whom payment has
35 not or cannot be made, the names, addresses and individual
36 amounts of the refund must be listed in the report. The statement
37 and report must be filed with the commission ~~[(~~

38 ~~—(a) By the public utility]~~ within 90 days after the entry of final
39 judgment.

40 ~~[(b) By the carrier or operator of a tow car within 150 days after~~
41 ~~the entry of final judgment.]~~ The public utility ~~[(, carrier or operator~~
42 ~~of a tow car]~~ shall pay the aggregate amount of the unpaid refunds
43 to the commission.

1 3. The commission shall:

2 (a) Retain the aggregate refunds in the public ~~{service}~~ **utilities**
3 commission regulatory fund subject to the claim of each person
4 entitled thereto for his share in the refund; and

5 (b) Pay all valid claims which are presented for payment within
6 2 years after the date of the entry of final judgment of the court.
7 All claimants must identify themselves to the satisfaction of the
8 commission before payment may be made.

9 4. Any person has a right of action against the commission in
10 the event of a refusal of the commission to pay his claim if the
11 person's name appears in the report filed by the public utility . ~~{~~
12 ~~carrier or operator of a tow car.~~ This action against the commission
13 must be brought within 6 months after the refusal to pay the claim.

14 5. The commission shall investigate every case in which a
15 claim is presented to it by a person claiming a refund ~~{pursuant to}~~
16 **under** a plan submitted by a public utility ~~{~~ ~~carrier or operator of a~~
17 ~~tow car.~~ which was approved by the commission. If the
18 investigation results in a refusal by the public utility ~~{~~ ~~carrier or~~
19 ~~operator of a tow car.~~ to pay a valid claim, the claimant has a right
20 of action against the public utility . ~~{~~ ~~carrier or operator of a tow~~
21 ~~car.~~

22 6. Any unclaimed money which remains in the custody of the
23 commission at the expiration of the 2-year period escheats to this
24 state.

25 Sec. 39. ***1. The date upon which customers may begin***
26 ***obtaining generation, aggregation and any other potentially***
27 ***competitive services from an alternative seller must be no later***
28 ***than December 31, 1999, unless the commission determines that a***
29 ***different date is necessary to protect the public interest. If the***
30 ***commission determines that a different date is necessary, the***
31 ***commission shall provide a report to the director of the legislative***
32 ***counsel bureau for transmittal to the legislature by February 1,***
33 ***1999, which:***

34 (a) ***Explains the reason that the commission has not granted***
35 ***such an authorization; and***

36 (b) ***States whether the commission will grant such an***
37 ***authorization by December 31, 1999.***

38 ***2. The commission may:***

39 (a) ***Establish different dates for the provision of different***
40 ***services by alternative sellers in different geographic areas; and***

41 (b) ***Authorize, in gradual phases, the right to buy from***
42 ***alternative sellers.***

1 3. *The commission shall determine that an electric service is*
2 *a potentially competitive service if provision of the service by*
3 *alternative sellers:*

- 4 (i) *Will not harm any class of customers;*
5 (ii) *Will decrease the cost of providing the service to customers*
6 *in this state or increase the quality or innovation of the service to*
7 *customers in this state;*
8 (iii) *Is a service for which effective competition in the market is*
9 *likely to develop;*
10 (iv) *Will advance the competitive position of this state relative*
11 *to surrounding states; and*
12 (v) *Will not otherwise jeopardize the safety and reliability of*
13 *the electric service in this state.*

14 4. *If the commission determines that a market for a*
15 *potentially competitive service does not have effective competition,*
16 *the commission shall, by regulation, establish the method for*
17 *determining prices for the service and the terms and conditions*
18 *for providing the service. The regulations must ensure that the*
19 *pricing method, terms and conditions are just and reasonable and*
20 *not unduly discriminatory. The regulations may include pricing*
21 *alternatives which authorize the seller to reduce prices below*
22 *maximum pricing levels specified by the commission or any other*
23 *form of alternative pricing which the commission determines to*
24 *be consistent with the provisions of this subsection. In*
25 *determining whether a market for an electric service has effective*
26 *competition, the commission shall:*

- 27 (i) *Identify the relevant market;*
28 (ii) *Identify, where feasible, the alternative sellers that*
29 *participate and are reasonably expected to participate in the*
30 *relevant market; and*
31 (iii) *Calculate, where feasible, the market share of each*
32 *participant in the market and evaluate the significance of each*
33 *share.*

34 5. *On or before October 1, 2000, the commission shall submit*
35 *to the director of the legislative counsel bureau for transmittal to*
36 *the appropriate legislative committee a report which:*

- 37 (i) *Evaluates the effectiveness of competition in the market for*
38 *each service which customers have the right to purchase from*
39 *alternative sellers; and*
40 (ii) *Recommends actions which the legislature should take to*
41 *increase the effectiveness of competition in the markets for all*
42 *potentially competitive services.*

1 6. On or before October 1, 2001, an electric service that has
2 been found to be potentially competitive shall be deemed to be
3 competitive.

4 7. The commission may reconsider any determination made
5 pursuant to this section upon its own motion or upon a showing
6 of good cause by a party requesting a reconsideration. Upon a
7 finding by the commission that the market for a service previously
8 found not to have effective competition has become effectively
9 competitive, the commission shall repeal the regulations which
10 established the pricing methods and the terms and conditions for
11 providing that service. The commission shall conduct any
12 proceedings for the reconsideration of any such determination as
13 expeditiously as practicable considering the current work load of
14 the commission and the need to protect the public interest.

15 8. A vertically integrated electric utility shall not provide a
16 potentially competitive service except through an affiliate:

17 (a) On or after December 31, 1999; or

18 (b) The date on which the commission determines that the
19 service is potentially competitive,
20 whichever is later.

21 Sec. 113. 1. Each fully regulated carrier, operator of a tow
22 car and common or contract carrier regulated by the authority
23 shall:

24 (a) Keep uniform and detailed accounts of all business
25 transacted in the manner required by the authority by regulation
26 and render them to the authority upon its request.

27 (b) Furnish an annual report to the authority in the form and
28 detail that it prescribes by regulation.

29 The regulations of the authority may not require an operator of a
30 tow car to keep accounts and report information concerning
31 towing services other than information that is necessary to permit
32 the authority to enforce the provisions of NRS 706.010 to
33 706.791, inclusive.

34 2. Except as otherwise provided in subsection 3, the reports
35 required by this section must be prepared for each calendar year
36 and submitted not later than May 15 of the year following the
37 year for which the report is submitted.

38 3. A carrier may, with the permission of the authority,
39 prepare the reports required by this section for a year other than a
40 calendar year that the authority specifies and submit them not
41 later than a date specified by the authority in each year.

1 4. *If the authority finds that necessary information is not*
2 *contained in a report submitted pursuant to this section, it may*
3 *call for the omitted information at any time.*

4 Sec. 120. 1. *When a complaint is made against any fully*
5 *regulated carrier or operator of a tow car by any person, that:*

6 (a) *Any of the rates, tolls, charges or schedules, or any joint*
7 *rate or rates assessed by any fully regulated carrier or by any*
8 *operator of a tow car for towing services performed without the*
9 *prior consent of the owner of the vehicle or the person authorized*
10 *by the owner to operate the vehicle are in any respect*
11 *unreasonable or unjustly discriminatory;*

12 (b) *Any of the provisions of NRS 706.446 to 706.453, inclusive,*
13 *and sections 10, 11 and 11.5 of Senate Bill No. 451 of this session*
14 *have been violated;*

15 (c) *Any regulation, measurement, practice or act directly*
16 *relating to the transportation of persons or property, including the*
17 *handling and storage of that property, is, in any respect,*
18 *unreasonable, insufficient or unjustly discriminatory; or*

19 (d) *Any service is inadequate,*
20 *the authority shall investigate the complaint. After receiving the*
21 *complaint, the authority shall give a copy of it to the carrier or*
22 *operator of a tow car against whom the complaint is made.*
23 *Within a reasonable time thereafter, the carrier or operator of a*
24 *tow car shall provide the authority with its written response to the*
25 *complaint according to the regulations of the authority.*

26 2. *If the authority determines that probable cause exists for*
27 *the complaint, it shall order a hearing thereof, give notice of the*
28 *hearing and conduct the hearing as it would any other hearing.*

29 3. *No order affecting a rate, toll, charge, schedule,*
30 *regulation, measurement, practice or act complained of may be*
31 *entered without a formal hearing unless the hearing is dispensed*
32 *with as provided in section 121 of this act.*

33 Sec. 121. 1. *When, in any matter pending before the*
34 *authority, a hearing is required by law, or is normally required by*
35 *the authority, the authority shall give notice of the pendency of*
36 *the matter to all persons entitled to notice of the hearing. The*
37 *authority shall by regulation specify:*

38 (a) *The manner of giving notice; and*

39 (b) *Where not specified by law, the persons entitled to notice in*
40 *each type of proceeding.*

41 2. *Unless, within 10 days after the date of the notice of*
42 *pendency, a person entitled to notice of the hearing files with the*

1 *authority a request that the hearing be held, the authority may*
2 *dispense with a hearing and act upon the matter pending.*

3 *3. If a request for a hearing is filed, the authority shall give at*
4 *least 10 days' notice of the hearing.*

5 *4. If an operator of a tow car files an application for a*
6 *certificate of public convenience and necessity or an application*
7 *to transfer a certificate of public convenience and necessity with*
8 *the authority, the authority shall give notice pursuant to the*
9 *provisions of subsection 1.*

10 Sec. 129. NRS 706.011 is hereby amended to read as follows:

11 706.011 As used in NRS ~~706.011~~ **706.013** to 706.791,
12 inclusive, and sections 8 to 11.5, inclusive, of ~~this act,~~ **Senate Bill**
13 **No. 451 of this session**, unless the context otherwise requires, the
14 words and terms defined in NRS 706.013 to 706.146, inclusive,
15 ~~and~~ sections 8 and 9 of ~~this act~~ **Senate Bill No. 451 of this**
16 **session and section 104 of this act**, have the meanings ascribed to
17 them in those sections.

18 Sec. 133. NRS 706.151 is hereby amended to read as follows:

19 706.151 1. It is hereby declared to be the purpose and policy
20 of the legislature in enacting this chapter:

21 (a) Except to the extent otherwise provided in NRS 706.881 to
22 706.885, inclusive, to confer upon the ~~commission~~ **authority** the
23 power and to make it the duty of the ~~commission~~ **authority** to
24 regulate fully regulated carriers, operators of tow cars and brokers
25 of regulated services to the extent provided in this chapter and to
26 confer upon the department the power to license all motor carriers
27 and to make it the duty of the department to enforce the provisions
28 of this chapter and the regulations adopted by the ~~commission~~
29 **authority** pursuant to it, to relieve the undue burdens on the
30 highways arising by reason of the use of the highways by vehicles in
31 a gainful occupation thereon.

32 (b) To provide for reasonable compensation for the use of the
33 highways in gainful occupations, and enable the State of Nevada, by
34 using license fees, to provide for the proper construction,
35 maintenance and repair thereof, and thereby protect the safety and
36 welfare of the traveling and shipping public in their use of the
37 highways.

38 (c) To provide for fair and impartial regulation, to promote safe,
39 adequate, economical and efficient service and to foster sound
40 economic conditions in motor transportation.

41 (d) To encourage the establishment and maintenance of
42 reasonable charges for:

43 (1) Intrastate transportation by fully regulated carriers; and

1 (2) Towing services performed without the prior consent of
2 the owner of the vehicle or the person authorized by the owner to
3 operate the vehicle,
4 without unjust discriminations against or undue preferences or
5 advantages being given to any motor carrier or applicant for a
6 certificate of public convenience and necessity.

7 (e) To discourage any practices which would tend to increase or
8 create competition that may be detrimental to the traveling and
9 shipping public or the motor carrier business within this state.

10 2. All of the provisions of this chapter must be administered
11 and enforced with a view to carrying out the declaration of policy
12 contained in this section.

13 Sec. 135. NRS 706.156 is hereby amended to read as follows:

14 706.156 1. All common and contract motor carriers and
15 brokers are hereby declared to be, to the extent provided in this
16 chapter:

17 (a) Affected with a public interest; and

18 (b) Subject to NRS 706.011 to 706.791, inclusive ~~H~~, and
19 *sections 104 to 128, inclusive, of this act.*

20 2. A purchaser or broker of transportation services which are
21 provided by a common motor carrier who holds a certificate of
22 public convenience and necessity may resell those services, in
23 combination with other services and facilities that are not related to
24 transportation, but only in a manner complying with the scope of
25 authority set forth in the certificate of the common motor carrier.
26 The ~~commission~~ *authority* shall not prohibit or restrict such a
27 purchaser or broker from reselling those transportation services to
28 any person based upon that person's affiliation, or lack of
29 affiliation, with any group.

30 Sec. 137. NRS 706.166 is hereby amended to read as follows:

31 706.166 The ~~commission~~ *authority* shall:

32 1. Subject to the limitation provided in NRS 706.168 and to the
33 extent provided in this chapter, supervise and regulate:

34 (a) Every fully regulated carrier and broker of regulated services
35 in this state in all matters directly related to those activities of the
36 motor carrier and broker actually necessary for the transportation of
37 persons or property, including the handling and storage of that
38 property, over and along the highways.

39 (b) Every operator of a tow car concerning the rates and charges
40 assessed for towing services performed without the prior consent of
41 the operator of the vehicle or the person authorized by the owner to
42 operate the vehicle and pursuant to the provisions of NRS 706.010
43 to 706.791, inclusive.

1 2. ~~[Cooperate with the department in its issuance of permits by~~
2 ~~performing safety and operational investigations of all persons~~
3 ~~applying for a permit from the department to transport radioactive~~
4 ~~waste, and reporting its findings to the department.]~~ *Supervise and*
5 *regulate the storage of household goods and effects in*
6 *warehouses and the operation and maintenance of such*
7 *warehouses in accordance with the provisions of this chapter and*
8 *chapter 712 of NRS.*

9 3. Enforce the standards of safety applicable to the employees,
10 equipment, facilities and operations of those common and contract
11 carriers subject to the authority ~~[of the commission]~~ or the
12 department by:

- 13 (a) Providing training in safety;
14 (b) Reviewing and observing the programs or inspections of the
15 carrier relating to safety; and
16 (c) Conducting inspections relating to safety at the operating
17 terminals of the carrier.

18 4. To carry out the policies expressed in NRS 706.151, adopt
19 regulations providing for agreements between two or more fully
20 regulated carriers or two or more operators of tow cars relating to:

- 21 (a) Fares of fully regulated carriers;
22 (b) All rates of fully regulated carriers and rates of operators of
23 tow cars for towing services performed without the prior consent of
24 the owner of the vehicle or the person authorized by the owner to
25 operate the vehicle;
26 (c) Classifications;
27 (d) Divisions;
28 (e) Allowances; and
29 (f) All charges of fully regulated carriers and charges of
30 operators of tow cars for towing services performed without the
31 prior consent of the owner of the vehicle or the person authorized
32 by the owner to operate the vehicle, including charges between
33 carriers and compensation paid or received for the use of facilities
34 and equipment.

35 These regulations may not provide for collective agreements which
36 restrain any party from taking free and independent action.

37 ***5. Review decisions of the taxicab authority appealed to the***
38 ***authority pursuant to NRS 706.8819.***

39 Sec. 150. NRS 706.285 is hereby amended to read as follows:
40 706.285 All advertising by:

- 41 1. A fully regulated carrier of intrastate commerce; and
42 2. An operator of a tow car,

1 must include the number of the certificate of public convenience
2 and necessity or contract carrier's permit issued to him by the
3 ~~{commission,}~~ authority.

4 Sec. 155. NRS 706.321 is hereby amended to read as follows:

5 706.321 1. Except as otherwise provided in subsection 2,
6 every common or contract motor carrier shall file with the
7 ~~{commission,}~~ authority:

8 (a) Within a time to be fixed by the ~~{commission,}~~ authority,
9 schedules and tariffs that must:

10 (1) Be open to public inspection; and

11 (2) Include all rates, fares and charges which the carrier has
12 established and which are in force at the time of filing for any
13 service performed in connection therewith by any carrier controlled
14 and operated by it.

15 (b) As a part of that schedule, all regulations of the carrier that in
16 any manner affect the rates or fares charged or to be charged for any
17 service and all regulations of the carrier that the carrier has adopted
18 to comply with the provisions of NRS 706.010 to 706.791,
19 inclusive.

20 2. Every operator of a tow car shall file with the ~~{commission,}~~
21 authority:

22 (a) Within a time to be fixed by the ~~{commission,}~~ authority,
23 schedules and tariffs that must:

24 (1) Be open to public inspection; and

25 (2) Include all rates and charges for towing services
26 performed without the prior consent of the owner of the vehicle or
27 the person authorized by the owner to operate the vehicle which the
28 operator has established and which are in force at the time of filing.

29 (b) As a part of that schedule, all regulations of the operator of
30 the tow car which in any manner affect the rates charged or to be
31 charged for towing services performed without the prior consent of
32 the owner of the vehicle or the person authorized by the owner to
33 operate the vehicle and all regulations of the operator of the tow car
34 that the operator has adopted to comply with the provisions of NRS
35 706.010 to 706.791, inclusive.

36 3. No changes may be made in any schedule, including
37 schedules of joint rates, or in the regulations affecting any rates or
38 charges, except upon 30 days' notice to the ~~{commission,}~~
39 authority, and all those changes must be plainly indicated on any
40 new schedules filed in lieu thereof 30 days before the time they are
41 to take effect. The ~~{commission,}~~ authority, upon application of any
42 carrier, may prescribe a shorter time within which changes may be
43 made. The 30 days' notice is not applicable when the carrier gives

1 written notice to the ~~{commission}~~ authority 10 days before the
2 effective date of its participation in a tariff bureau's rates and
3 tariffs, provided the rates and tariffs have been previously filed with
4 and approved by the ~~{commission.}~~ authority.

5 4. The ~~{commission}~~ authority may at any time, upon its own
6 motion, investigate any of the rates, fares, charges, regulations,
7 practices and services filed pursuant to this section and, after
8 hearing, by order, make such changes as may be just and
9 reasonable.

10 5. The ~~{commission}~~ authority may dispense with the hearing
11 on any change requested in rates, fares, charges, regulations,
12 practices or service filed pursuant to this section.

13 6. All rates, fares, charges, classifications and joint rates,
14 regulations, practices and services fixed by the ~~{commission}~~
15 authority are in force, and are prima facie lawful, from the date of
16 the order until changed or modified by the ~~{commission,}~~ authority,
17 or pursuant to ~~[NRS 703.373 to 703.376, inclusive.]~~ section 125 of
18 this act.

19 7. All regulations, practices and service prescribed by the
20 ~~{commission}~~ authority must be enforced and are prima facie
21 reasonable unless suspended or found otherwise in an action
22 brought for the purpose, ~~[pursuant to the provisions of NRS~~
23 ~~703.373 to 703.376, inclusive,]~~ or until changed or modified by the
24 ~~{commission}~~ authority itself upon satisfactory showing made.

25 Sec. 156. NRS 706.323 is hereby amended to read as follows:

26 706.323 1. Except as otherwise provided in subsection 2, the
27 ~~{commission}~~ authority may not investigate, suspend, revise or
28 revoke any rate that is subject to the approval of the ~~{commission}~~
29 authority pursuant to NRS 706.321 and proposed by a common
30 motor carrier or contract motor carrier because the rate is too high
31 or too low and therefore unreasonable if:

32 (a) The motor carrier notifies the ~~{commission}~~ authority that it
33 wishes to have the rate reviewed by the ~~{commission}~~ authority
34 pursuant to this subsection; and

35 (b) The rate resulting from all increases or decreases within 1
36 year is not more than 10 percent above or 10 percent below the rate
37 in effect 1 year before the effective date of the proposed rate.

38 2. This section does not limit the ~~{commission's}~~ authority of
39 the transportation services authority to investigate, suspend, revise
40 or revoke a proposed rate if the rate would violate the provisions of
41 NRS 706.151.

Sec. 157. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the ~~{commission}~~ **authority** pursuant to NRS 706.321 any schedule or tariff stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule or tariff resulting in a discontinuance, modification or restriction of service, the ~~{commission}~~ **authority** may commence an investigation or, upon reasonable notice, hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the ~~{commission,}~~ **authority**, upon delivering to the common or contract motor carrier affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule or tariff and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the ~~{commission}~~ **authority** may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

4. The ~~{commission}~~ **authority** shall determine whether it is necessary to hold a hearing to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination, the ~~{commission}~~ **authority** shall consider all timely written protests, any presentation the staff of the ~~{commission}~~ **authority** may desire to present, the application and any other matters deemed relevant by the ~~{commission,}~~ **authority**.

Sec. 158. NRS 706.331 is hereby amended to read as follows:

706.331 1. If, after due investigation and hearing, any authorized rates, tolls, fares, charges, schedules, tariffs, joint rates or any regulation, measurement, practice, act or service that is subject to the approval of the ~~{commission}~~ **authority** is complained

1 of and is found to be unjust, unreasonable, insufficient, preferential,
2 unjustly discriminatory or otherwise in violation of the provisions of
3 this chapter, or if it is found that the service is inadequate, or that
4 any reasonable service cannot be obtained, the ~~{commission}~~
5 *authority* may substitute therefor such other rates, tolls, fares,
6 charges, tariffs, schedules or regulations, measurements, practices,
7 service or acts and make an order relating thereto as may be just
8 and reasonable.

9 2. When complaint is made of more than one matter, the
10 ~~{commission}~~ *authority* may order separate hearings upon the
11 several matters complained of at such times and places as it may
12 prescribe.

13 3. No complaint may at any time be dismissed because of the
14 absence of direct damage to the complainant.

15 4. The ~~{commission}~~ *authority* may at any time, upon its own
16 motion, investigate any of the matters listed in subsection 1, and,
17 after a full hearing, by order, make such changes as may be just and
18 reasonable, the same as if a formal complaint had been made.

19 Sec. 159. NRS 706.341 is hereby amended to read as follows:

20 706.341 1. An operator of a tow car shall, in the manner
21 prescribed by the ~~{commission,}~~ *authority*, notify the ~~{commission}~~
22 *authority* if the operator discontinues providing towing services
23 from an operating terminal or establishes a new operating terminal
24 from which a tow car provides towing services within 30 days after
25 the operator discontinues providing towing services from an
26 operating terminal or commences operations at the new terminal.

27 2. A common motor carrier, other than an operator of a tow car,
28 authorized to operate by NRS 706.011 to 706.791, inclusive, *and*
29 *sections 104 to 128, inclusive, of this act*, shall not discontinue any
30 service established pursuant to the provisions of NRS 706.011 to
31 706.791, inclusive, *and sections 104 to 128, inclusive, of this act*,
32 and all other laws relating thereto and made applicable thereto by
33 NRS 706.011 to 706.791, inclusive, *and sections 104 to 128,*
34 *inclusive, of this act*, without an order of the ~~{commission}~~
35 *authority* granted only after public notice or hearing in the event of
36 protest.

37 Sec. 160. NRS 706.346 is hereby amended to read as follows:

38 706.346 1. Except as otherwise provided in subsection 3, a
39 copy, or so much of the schedule or tariff as the ~~{commission}~~
40 *authority* determines necessary for the use of the public, must be
41 printed in plain type and posted in every office of a common motor
42 carrier where payments are made by customers or users, open to the

1 public, in such form and place as to be readily accessible to the
2 public and conveniently inspected.

3 2. Except as otherwise provided in subsection 3, when a
4 schedule or tariff of joint rates or charges is or may be in force
5 between two or more common motor carriers or between any such
6 carrier and a public utility, the schedule or tariff must be printed
7 and posted in the manner prescribed in subsection 1.

8 3. Only the rates for towing services performed without the
9 prior consent of the owner of the vehicle or the person authorized
10 by the owner to operate the vehicle must be printed and posted by
11 an operator of a tow car pursuant to subsections 1 and 2.

12 Sec. 163. NRS 706.386 is hereby amended to read as follows:

13 706.386 It is unlawful, except as otherwise provided in NRS
14 373.117, 706.446, 706.453 and 706.745, for any fully regulated
15 common motor carrier to operate as a carrier of intrastate commerce
16 and any operator of a tow car to perform towing services within this
17 state without first obtaining a certificate of public convenience and
18 necessity from the ~~commission~~ authority.

19 Sec. 164. NRS 706.391 is hereby amended to read as follows:

20 706.391 1. Upon the filing of an application for a certificate
21 of public convenience and necessity to operate as a motor carrier
22 other than an operator of a tow car, the ~~commission~~ authority
23 shall fix a time and place for hearing thereon.

24 2. The ~~commission~~ authority shall issue such a certificate if it
25 finds that:

26 (a) The applicant is fit, willing and able to perform the services
27 of a common motor carrier;

28 (b) The proposed operation will be consistent with the legislative
29 policies set forth in NRS 706.151;

30 (c) The granting of the certificate will not unreasonably and
31 adversely affect other carriers operating in the territory for which
32 the certificate is sought; and

33 (d) The proposed service will benefit the traveling and shipping
34 public and the motor carrier business in this state.

35 3. The ~~commission~~ authority shall not find that the potential
36 creation of competition in a territory which may be caused by the
37 granting of a certificate, by itself, will unreasonably and adversely
38 affect other carriers operating in the territory for the purposes of
39 paragraph (c) of subsection 2.

40 4. An applicant for such a certificate has the burden of proving
41 to the ~~commission~~ authority that the proposed operation will meet
42 the requirements of subsection 2.

1 5. The ~~{commission}~~ **authority** may issue a certificate of public
2 convenience and necessity to operate as a common motor carrier, or
3 issue it for:

- 4 (a) The exercise of the privilege sought.
5 (b) The partial exercise of the privilege sought.

6 6. The ~~{commission}~~ **authority** may attach to the certificate
7 such terms and conditions as, in its judgment, the public interest
8 may require.

9 7. The ~~{commission}~~ **authority** may dispense with the hearing
10 on the application if, upon the expiration of the time fixed in the
11 notice thereof, no petition to intervene has been filed on behalf of
12 any person who has filed a protest against the granting of the
13 certificate.

14 Sec. 173. NRS 706.446 is hereby amended to read as follows:

15 706.446 The provisions of this chapter do not require an
16 operator of a tow car who provides towing for a licensed motor club
17 regulated pursuant to chapter 696A of NRS to obtain a certificate of
18 public convenience and necessity or to comply with the regulations
19 or rates adopted by the ~~{commission}~~ **authority** to provide that
20 towing.

21 Sec. 174. NRS 706.4463 is hereby amended to read as follows:

22 706.4463 1. In addition to the other requirements of this
23 chapter, each operator of a tow car shall, to protect the health,
24 safety and welfare of the public:

25 (a) Obtain a certificate of public convenience and necessity from
26 the ~~{commission}~~ **authority** before he provides any services other
27 than those services which he provides as a private motor carrier of
28 property pursuant to the provisions of this chapter;

29 (b) Use a tow car of sufficient size and weight which is
30 appropriately equipped to transport safely the vehicle which is
31 being towed; and

32 (c) Comply with the provisions of NRS 706.011 to 706.791,
33 inclusive.

34 2. A person who wishes to obtain a certificate of public
35 convenience and necessity to operate a tow car must file an
36 application with the ~~{commission}~~.

37 ~~3. The ~~{commission}~~ **authority**.~~

38 **3. The authority** shall issue a certificate of public convenience
39 and necessity to an operator of a tow car if it determines that the
40 applicant:

41 (a) Complies with the requirements of paragraphs (b) and (c) of
42 subsection 1;

1 (b) Complies with the requirements of the regulations adopted
2 by the ~~{commission}~~ **authority** pursuant to the provisions of this
3 chapter;

4 (c) Has provided evidence that he has filed with the
5 ~~{commission}~~ **authority** a liability insurance policy, a certificate of
6 insurance or a bond of a surety and bonding company or other
7 surety required for every operator of a tow car pursuant to the
8 provisions of NRS 706.291; and

9 (d) Has provided evidence that he has filed with the
10 ~~{commission}~~ **authority** schedules and tariffs pursuant to subsection
11 2 of NRS 706.321.

12 4. An applicant for a certificate has the burden of proving to the
13 ~~{commission}~~ **authority** that the proposed operation will meet the
14 requirements of subsection 3.

15 5. The ~~{commission}~~ **authority** may hold a hearing to determine
16 whether an applicant is entitled to a certificate only if:

17 (a) Upon the expiration of the time fixed in the notice that an
18 application for a certificate of public convenience and necessity is
19 pending, a petition to intervene has been granted by the
20 ~~{commission};~~ **authority**; or

21 (b) The ~~{commission}~~ **authority** finds that after reviewing the
22 information provided by the applicant and inspecting the operations
23 of the applicant, it cannot make a determination as to whether the
24 applicant has complied with the requirements of subsection 3.

25 Sec. 178. NRS 706.4483 is hereby amended to read as follows:

26 706.4483 1. The ~~{commission}~~ **authority** shall act upon
27 complaints regarding the failure of an operator of a tow car to
28 comply with the provisions of NRS 706.011 to 706.791, inclusive.

29 2. In addition to any other remedies that may be available to the
30 ~~{commission}~~ **authority** to act upon complaints, the ~~{commission}~~
31 **authority** may order the release of towed motor vehicles, cargo or
32 personal property upon such terms and conditions as the
33 ~~{commission}~~ **authority** determines to be appropriate.

34 Sec. 179. NRS 706.4485 is hereby amended to read as follows:

35 706.4485 A law enforcement agency that maintains and uses a
36 list of operators of tow cars which are called by that agency to
37 provide towing shall not include an operator of a tow car on the list
38 unless he:

39 1. Holds a certificate of public convenience and necessity
40 issued by the ~~{commission.}~~ **authority**.

41 2. Complies with all applicable provisions of *this chapter and*
42 chapters 482 ~~[, 484 and 706]~~ **and 484** of NRS.

1 3. Agrees to respond in a timely manner to requests for towing
2 made by the agency.

3 4. Maintains adequate, accessible and secure storage within the
4 State of Nevada for any vehicle that is towed.

5 5. Complies with all standards the law enforcement agency may
6 adopt to protect the health, safety and welfare of the public.

7 6. Assesses only rates and charges that have been approved by
8 the ~~commission~~ authority for towing services performed without
9 the prior consent of the owner of the vehicle or the person
10 authorized by the owner to operate the vehicle.

11 7. The ~~commission~~ authority shall not require that an
12 operator of a tow car charge the same rate to law enforcement
13 agencies for towing services performed without the prior consent of
14 the owner of the vehicle or the person authorized by the owner to
15 operate the vehicle that the operator charges to other persons for
16 such services.

17 Sec. 184. NRS 706.461 is hereby amended to read as follows:

18 706.461 When:

19 1. A complaint has been filed with the ~~commission~~ authority
20 alleging that any vehicle is being operated without a certificate of
21 public convenience and necessity or contract carrier's permit as
22 required by NRS 706.011 to 706.791, inclusive ~~[-]~~, and sections
23 104 to 128, inclusive, of this act; or

24 2. The ~~commission~~ authority has reason to believe that any:

25 (a) Person is advertising to provide:

26 (1) The services of a fully regulated carrier in intrastate
27 commerce; or

28 (2) Towing services,
29 without including the number of his certificate of public
30 convenience and necessity or permit in each advertisement; or

31 (b) Provision of NRS 706.011 to 706.791, inclusive, and
32 sections 104 to 128, inclusive, of this act, is being violated,
33 the ~~commission~~ authority shall investigate the operations or
34 advertising and may, after a hearing, order the owner or operator of
35 the vehicle or the person advertising to cease and desist from any
36 operation or advertising in violation of NRS 706.011 to 706.791,
37 inclusive ~~[-The commission]~~, and sections 104 to 128, inclusive,
38 of this act. The authority shall enforce compliance with the order
39 pursuant to the powers vested in the ~~commission~~ authority by
40 NRS 706.011 to 706.791, inclusive, and sections 104 to 128,
41 inclusive, of this act, or by other law.

1 Sec. 189. NRS 706.6411 is hereby amended to read as follows:

2 706.6411 1. All motor carriers, other than operators of tow
3 cars, regulated pursuant to NRS 706.011 to 706.791, inclusive, *and*
4 *sections 104 to 128, inclusive, of this act*, to whom the certificates,
5 permits and licenses provided by NRS 706.011 to 706.791,
6 inclusive, *and sections 104 to 128, inclusive, of this act*, have been
7 issued may transfer them to another carrier, other than an operator
8 of a tow car, qualified pursuant to NRS 706.011 to 706.791,
9 inclusive, *and sections 104 to 128, inclusive, of this act*, but no
10 such transfer is valid for any purpose until a joint application to
11 make the transfer has been made to the ~~{commission}~~ *authority* by
12 the transferor and the transferee, and the ~~{commission}~~ *authority*
13 has authorized the substitution of the transferee for the transferor.
14 No transfer of stock of a corporate motor carrier subject to the
15 jurisdiction of the ~~{commission}~~ *authority* is valid without the
16 ~~{commission's}~~ prior approval *of the authority* if the effect of the
17 transfer would be to change the corporate control of the carrier or if
18 a transfer of 15 percent or more of the common stock of the carrier
19 is proposed.

20 2. Except as otherwise provided in subsection 3, the
21 ~~{commission}~~ *authority* shall fix a time and place for a hearing to
22 be held unless the application is made to transfer the certificate
23 from a natural person or partners to a corporation whose controlling
24 stockholders will be substantially the same person or partners, and
25 may hold a hearing to consider such an application.

26 3. The ~~{commission}~~ *authority* may also dispense with the
27 hearing on the joint application to transfer if, upon the expiration of
28 the time fixed in the notice thereof, no protest against the transfer of
29 the certificate or permit has been filed by or in behalf of any
30 interested person.

31 4. In determining whether or not the transfer of a certificate of
32 public convenience and necessity or a permit to act as a contract
33 motor carrier should be authorized, the ~~{commission}~~ *authority*
34 shall consider:

35 (a) The service which has been performed by the transferor and
36 that which may be performed by the transferee.

37 (b) Other authorized facilities for transportation in the territory
38 for which the transfer is sought.

39 (c) Whether or not the transferee is fit, willing and able to
40 perform the services of a common or contract motor carrier by
41 vehicle and whether or not the proposed operation would be
42 consistent with the legislative policy set forth in NRS 706.151.

1 5. Upon a transfer made pursuant to this section, the
2 ~~commission~~ **authority** may make such amendments, restrictions or
3 modifications in a certificate or permit as the public interest may
4 require.

5 6. No transfer is valid beyond the life of the certificate, permit
6 or license transferred.

7 Sec. 190. NRS 706.736 is hereby amended to read as follows:

8 706.736 1. Except as otherwise provided in subsection 2, the
9 provisions of NRS ~~703.191, 703.310, 703.374, 703.375 and~~
10 706.011 to 706.791, inclusive, **and sections 104 to 128, inclusive,**
11 **of this act**, do not apply to:

12 (a) The transportation by a contractor licensed by the state
13 contractors' board of his own equipment in his own vehicles from
14 job to job.

15 (b) Any person engaged in transporting his own personal effects
16 in his own vehicle, but the provisions of this subsection do not
17 apply to any person engaged in transportation by vehicle of
18 property sold or to be sold, or used by him in the furtherance of any
19 commercial enterprise other than as provided in paragraph (d), or to
20 the carriage of any property for compensation.

21 (c) Special mobile equipment.

22 (d) The vehicle of any person, when that vehicle is being used in
23 the production of motion pictures, including films to be shown in
24 theaters and on television, industrial training and educational films,
25 commercials for television and video discs and tapes.

26 (e) A private motor carrier of property which is used for any
27 convention, show, exhibition, sporting event, carnival, circus or
28 organized recreational activity.

29 (f) A private motor carrier of property which is used to attend
30 livestock shows and sales.

31 2. Unless exempted by a specific state statute or a specific
32 federal statute, regulation or rule, any person referred to in
33 subsection 1 is subject to:

34 (a) The provisions of paragraph (d) of subsection 1 of NRS
35 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457
36 and 706.458.

37 (b) All rules and regulations adopted by reference pursuant to
38 paragraph (b) of subsection 1 of NRS 706.171 concerning the safety
39 of drivers and vehicles.

40 (c) All standards adopted by regulation pursuant to NRS
41 706.173.

42 3. The provisions of NRS 706.311 to 706.453, inclusive,
43 706.471, 706.473, 706.475 and 706.6411 and sections 10, 11 and

1 11.5 of ~~this act~~ *Senate Bill No. 451 of this session* which
2 authorize the ~~commission~~ *authority* to issue:

3 (a) Except as otherwise provided in paragraph (b), certificates of
4 public convenience and necessity and contract carriers' permits and
5 to regulate rates, routes and services apply only to fully regulated
6 carriers.

7 (b) Certificates of public convenience and necessity to operators
8 of tow cars and to regulate rates for towing services performed
9 without the prior consent of the owner of the vehicle or the person
10 authorized by the owner to operate the vehicle apply to operators of
11 tow cars.

12 4. Any person who operates pursuant to a claim of an
13 exemption provided by this section but who is found to be operating
14 in a manner not covered by any of those exemptions immediately
15 becomes liable, in addition to any other penalties provided in this
16 chapter, for the fee appropriate to his actual operation as prescribed
17 in this chapter, computed from the date when that operation began.

18 Sec. 194. NRS 706.761 is hereby amended to read as follows:

19 706.761 1. Any agent or person in charge of the books,
20 accounts, records, minutes or papers of any private, common or
21 contract motor carrier or broker of any of these services who refuses
22 or fails for a period of 30 days to furnish the ~~commission~~
23 *authority* or department with any report required by either or who
24 fails or refuses to permit any person authorized by the ~~commission~~
25 *authority* or department to inspect such books, accounts, records,
26 minutes or papers on behalf of the ~~commission~~ *authority* or
27 department is liable to a penalty in a sum of not less than \$300 nor
28 more than \$500. The penalty may be recovered in a civil action
29 upon the complaint of the ~~commission~~ *authority* or department in
30 any court of competent jurisdiction.

31 2. Each day's refusal or failure is a separate offense, and is
32 subject to the penalty prescribed in this section.

33 Sec. 195. NRS 706.766 is hereby amended to read as follows:

34 706.766 1. It is unlawful for any fully regulated carrier or
35 operator of a tow car to charge, demand, collect or receive a greater
36 or less compensation for any service performed by it within this
37 state or for any service in connection therewith than is specified in
38 its fare, rates, joint rates, charges or rules and regulations on file
39 with the ~~commission,~~ *authority*, or to demand, collect or receive
40 any fare, rate or charge not specified. The rates, tolls and charges
41 named therein are the lawful rates, tolls and charges until they are
42 changed as provided in this chapter.

1 2. It is unlawful for any fully regulated carrier or operator of a
2 tow car to grant any rebate, concession or special privilege to any
3 person which, directly or indirectly, has or may have the effect of
4 changing the rates, tolls, charges or payments.

5 3. Any violation of the provisions of this section subjects the
6 violator to the penalty prescribed in NRS 706.761.

7 Sec. 196. NRS 706.771 is hereby amended to read as follows:

8 706.771 1. Any ~~⚡~~

9 ~~—(a) Fully regulated carrier;~~

10 ~~—(b) Broker of regulated services;~~

11 ~~—(c) Operator of a tow car; or~~

12 ~~—(d) Other person,]~~ **person** or any agent or employee thereof, who
13 violates any provision of this chapter, any lawful regulation of the
14 ~~{commission}~~ **authority** or any lawful tariff on file with the
15 ~~{commission}~~ **authority** or who fails, neglects or refuses to obey any
16 lawful order of the ~~{commission}~~ **authority** or any court order for
17 whose violation a civil penalty is not otherwise prescribed is liable
18 to a penalty of not more than \$10,000 for any violation. The penalty
19 may be recovered in a civil action upon the complaint of the
20 ~~{commission}~~ **authority** in any court of competent jurisdiction.

21 2. If the ~~{commission}~~ **authority** does not bring an action to
22 recover the penalty prescribed by subsection 1, the ~~{commission}~~
23 **authority** may impose an administrative fine of not more than
24 \$10,000 for any violation of a provision of this chapter or any rule,
25 regulation or order adopted or issued by the ~~{commission}~~ **authority**
26 or department pursuant to the provisions of this chapter. A fine
27 imposed by the ~~{commission}~~ **authority** may be recovered by the
28 ~~{commission}~~ **authority** only after notice is given and a hearing is
29 held pursuant to the provisions of chapter 233B of NRS.

30 3. All administrative fines imposed and collected by the
31 ~~{commission}~~ **authority** pursuant to subsection 2 are payable to the
32 state treasurer and must be credited to a separate account to be used
33 by the ~~{commission}~~ **authority** to enforce the provisions of this
34 chapter.

35 4. A penalty or fine recovered pursuant to this section is not a
36 cost of service for purposes of rate making.

37 Sec. 228. NRS 179A.100 is hereby amended to read as
38 follows:

39 179A.100 1. The following records of criminal history may
40 be disseminated by an agency of criminal justice without any
41 restriction pursuant to this chapter:

42 (a) Any which reflect records of conviction only; and

1 (b) Any which pertain to an incident for which a person is
2 currently within the system of criminal justice, including parole or
3 probation.

4 2. Without any restriction pursuant to this chapter, a record of
5 criminal history or the absence of such a record may be:

6 (a) Disclosed among agencies which maintain a system for the
7 mutual exchange of criminal records.

8 (b) Furnished by one agency to another to administer the system
9 of criminal justice, including the furnishing of information by a
10 police department to a district attorney.

11 (c) Reported to the central repository.

12 3. An agency of criminal justice shall disseminate to a
13 prospective employer, upon request, records of criminal history
14 concerning a prospective employee or volunteer which:

15 (a) Reflect convictions only; or

16 (b) Pertain to an incident for which the prospective employee or
17 volunteer is currently within the system of criminal justice,
18 including parole or probation.

19 4. The central repository shall disseminate to a prospective or
20 current employer, upon request, information relating to sexual
21 offenses concerning an employee, prospective employee, volunteer
22 or prospective volunteer who gives his written consent to the release
23 of that information.

24 5. Records of criminal history must be disseminated by an
25 agency of criminal justice upon request, to the following persons or
26 governmental entities:

27 (a) The person who is the subject of the record of criminal
28 history for the purposes of NRS 179A.150.

29 (b) The person who is the subject of the record of criminal
30 history or his attorney of record when the subject is a party in a
31 judicial, administrative, licensing, disciplinary or other proceeding
32 to which the information is relevant.

33 (c) The state gaming control board.

34 (d) The state board of nursing.

35 (e) The private investigator's licensing board to investigate an
36 applicant for a license.

37 (f) A public administrator to carry out his duties as prescribed in
38 chapter 253 of NRS.

39 (g) A public guardian to investigate a ward or proposed ward or
40 persons who may have knowledge of assets belonging to a ward or
41 proposed ward.

42 (h) Any agency of criminal justice of the United States or of
43 another state or the District of Columbia.

1 (i) Any public utility subject to the jurisdiction of the public
2 ~~{service}~~ **utilities** commission of Nevada when the information is
3 necessary to conduct a security investigation of an employee or
4 prospective employee, or to protect the public health, safety or
5 welfare.

6 (j) Persons and agencies authorized by statute, ordinance,
7 executive order, court rule, court decision or court order as
8 construed by appropriate state or local officers or agencies.

9 (k) Any person or governmental entity which has entered into a
10 contract to provide services to an agency of criminal justice relating
11 to the administration of criminal justice, if authorized by the
12 contract, and if the contract also specifies that the information will
13 be used only for stated purposes and that it will be otherwise
14 confidential in accordance with state and federal law and regulation.

15 (l) Any reporter for the electronic or printed media in his
16 professional capacity for communication to the public.

17 (m) Prospective employers if the person who is the subject of the
18 information has given written consent to the release of that
19 information by the agency which maintains it.

20 (n) For the express purpose of research, evaluative or statistical
21 programs pursuant to an agreement with an agency of criminal
22 justice.

23 (o) The division of child and family services of the department
24 of human resources and any county agency that is operated pursuant
25 to NRS 432B.325 or authorized by a court of competent jurisdiction
26 to receive and investigate reports of abuse or neglect of children
27 and which provides or arranges for protective services for such
28 children.

29 (p) The welfare division of the department of human resources
30 or its designated representative.

31 (q) An agency of this or any other state or the Federal
32 Government that is conducting activities pursuant to Part D of Title
33 IV of the Social Security Act (42 U.S.C. §§ 651 et seq.).

34 (r) The state disaster identification team of the division of
35 emergency management of the department of motor vehicles and
36 public safety during a state of emergency proclaimed pursuant to
37 NRS 414.070.

38 6. Agencies of criminal justice in this state which receive
39 information from sources outside ~~{the}~~ **this** state concerning
40 transactions involving criminal justice which occur outside Nevada
41 shall treat the information as confidentially as is required by the
42 provisions of this chapter.

Sec. 239. 1. *The consumer's advocate:*

(a) *May compile and maintain a data base of the types of telecommunication services that are available in this state. Such a data base must be:*

(1) *In a format that can be easily understood; and*

(2) *Updated annually.*

(b) *Shall perform outreach programs, identify problems and facilitate the development of solutions relating to the provision of telecommunication service to public schools, public libraries, medical facilities and local governments in rural counties.*

(c) *Shall act as an advocate for the public schools, public libraries, medical facilities, businesses and general public of this state before the public utilities commission of Nevada relating to the provision of universal telephone service and access to universal service.*

(d) *Shall facilitate coordination among the agencies and local governments of this state and the commission regarding issues relating to telecommunication services.*

2. *As used in this section:*

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

(b) *"Rural county" means a county whose population is less than 100,000.*

(c) *"Universal service" means the availability of affordable and reliable basic telephone service to as many customers in this state as economically and operationally practicable.*

Sec. 265. NRS 268.530 is hereby amended to read as follows:

268.530 1. After holding a public hearing as provided in NRS 268.528, the governing body shall proceed no further until it:

(a) Determines by resolution the total amount of money necessary to be provided by the city for the acquisition, improvement and equipment of the project;

(b) Receives a 5-year operating history from the contemplated lessee, purchaser or other obligor, or from a parent or other enterprise which guarantees principal and interest payments on any bonds issued;

(c) Receives evidence that the contemplated lessee, purchaser, other obligor or other enterprise which guarantees principal and interest payments, has received within the 12 months preceding the date of the public hearing a rating within one of the top four rating categories of either Moody's Investors Service, Inc., or Standard and Poor's Ratings Services, except that a public utility regulated by the public ~~service~~ **utilities** commission of Nevada, the obligor

1 with respect to a project described in NRS 268.5385, a health and
2 care facility or a supplemental facility for a health and care facility
3 is not required to furnish that evidence;

4 (d) Determines by resolution that the contemplated lessee,
5 purchaser or other obligor has sufficient financial resources to place
6 the project in operation and to continue its operation, meeting the
7 obligations of the lease, purchase contract or financing agreement;
8 and

9 (e) Finds by resolution that the project:

10 (1) Will provide a public benefit;

11 (2) Would be compatible with existing facilities in the area
12 adjacent to the location of the project;

13 (3) Will encourage the creation of jobs for the residents of this
14 state;

15 (4) Is compatible with the general plan of the city adopted
16 pursuant to chapter 278 of NRS; and

17 (5) If not exempt from the provisions of subsection 2 of NRS
18 268.527, will not compete substantially with an enterprise or
19 organization already established in the city or the county within
20 which the city is located.

21 2. The governing body may refuse to proceed with any project
22 even if all the criteria of subsection 1 are satisfied. If the governing
23 body desires to proceed with any project where any criterion of
24 subsection 1 is not satisfied, it may do so only with the approval of
25 the state board of finance. In requesting the approval, the governing
26 body shall transmit to the state board of finance all evidence
27 received pursuant to subsection 1.

28 3. If any part of the project or improvements is to be
29 constructed by a lessee or his designee, a purchaser or his designee
30 or an obligor or his designee, the governing body shall provide, or
31 determine that there are provided, sufficient safeguards to ensure
32 that all money provided by the city will be expended solely for the
33 purposes of the project.

34 Sec. 276. NRS 354.59883 is hereby amended to read as
35 follows:

36 354.59883 A city or county shall not adopt an ordinance
37 imposing or increasing a fee:

38 1. If that ordinance would alter the terms of any existing
39 franchise agreement between the city or county and a public utility.

40 2. That applies to any public utility which does not derive
41 revenue from customers located within the jurisdiction of the city or
42 county.

43 3. If, after the adoption of the ordinance:

1 (a) Any part of a fee to which the ordinance applies will be
2 based upon any revenue of a public utility other than its revenue
3 from customers located within the jurisdiction of the city or county.

4 (b) The total **cumulative** amount of all fees the city or county
5 imposes upon a public utility to which the ordinance applies will
6 exceed:

7 (1) Except as otherwise provided in subparagraph (2), 5
8 percent of the utility's gross revenue from customers located within
9 the jurisdiction of the city or county.

10 (2) For a public utility that sells or resells personal wireless
11 services, 5 percent of its gross revenue from the first \$15 charged
12 monthly for each line of access for each of its customers who has a
13 billing address located within the jurisdiction of the city or county.

14 Sec. 277. NRS 354.59889 is hereby amended to read as
15 follows:

16 354.59889 ~~{Except as otherwise provided by agreement with~~
17 ~~all the affected public utilities:}~~

18 1. A city or county shall not change any of its fees except
19 through the adoption of an ordinance which provides that the
20 change does not become effective until at least 90 days after the city
21 or county complies with the provisions of subsection 3 of NRS
22 354.59885.

23 2. The cumulative amount of any increases in fees imposed by
24 a city or county during any period of 24 months must not exceed 1
25 percent of the gross revenue of any public utility to which the
26 increase applies from customers located within the jurisdiction of
27 that city or county.

28 Sec. 282. NRS 377A.140 is hereby amended to read as
29 follows:

30 377A.140 1. Except as otherwise provided in subsection 2, a
31 public transit system in a county whose population is 400,000 or
32 more may, in addition to providing local transportation within the
33 county and the services described in NRS 377A.130, provide:

34 (a) Programs to reduce or manage motor vehicle traffic; and

35 (b) Any other services for a public transit system which are
36 requested by the general public,

37 if those additional services are included and described in a long-
38 range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C. §
39 5303.

40 2. Before a regional transportation commission may provide for
41 an on-call public transit system in an area of the county, the
42 commission must receive a determination from the ~~{public service~~

~~commission of Nevada and the taxicab~~ **transportation services**
authority that:

(a) There are no common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in that area; or

(b) Although there are common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, those operations.

3. As used in this section:

(a) “Common motor carrier of passengers” has the meaning ascribed to it in NRS 706.041.

(b) “On-call public transit system” means a system established to transport passengers only upon the request of a person who needs transportation.

Sec. 297. NRS 455.250 is hereby amended to read as follows:

455.250 1. An action for the enforcement of a civil penalty pursuant to this section may be brought before the public ~~{service}~~ **utilities** commission of Nevada by the attorney general, a district attorney, a city attorney or legal counsel for the public ~~{service}~~ **utilities** commission of Nevada.

2. Any person who violates a provision of NRS 455.200 to 455.240, inclusive, is liable for a civil penalty not to exceed \$1,000 per day for each violation.

3. The amount of any civil penalty imposed pursuant to this section and the propriety of any settlement or compromise concerning a penalty must be determined by the public ~~{service}~~ **utilities** commission of Nevada upon receipt of a complaint by the attorney general, an employee of the public ~~{service}~~ **utilities** commission of Nevada who is engaged in regulatory operations, a district attorney or a city attorney.

4. In determining the amount of the penalty or the amount agreed upon in a settlement or compromise, the public ~~{service}~~ **utilities** commission of Nevada shall consider:

(a) The gravity of the violation;

(b) The good faith of the person charged with the violation in attempting to comply with the provisions of NRS 455.200 to 455.240, inclusive, before and after notification of a violation; and

(c) Any history of previous violations of those provisions by the person charged with the violation.

5. A civil penalty recovered pursuant to this section must first be paid to reimburse the person who initiated the action for any cost

1 incurred in prosecuting the matter. Any amount remaining after
2 such reimbursement must be deposited in the state general fund.

3 6. Any person aggrieved by a determination of the public
4 ~~{service}~~ **utilities** commission of Nevada pursuant to this section
5 may seek judicial review of the determination in the manner
6 provided by NRS ~~[233B.130 to 233B.150, inclusive.]~~ **703.373.**

7 Sec. 332. Section 4 of this act is hereby amended to read as
8 follows:

9 Sec. 4. NRS 703.010 is hereby amended to read as follows:

10 703.010 As used in this chapter, unless the context otherwise
11 requires:

12 1. “Alternative seller” has the meaning ascribed to it in
13 section 30 of this act.

14 2. “Commission” means the public ~~{service}~~ **utilities**
15 commission of Nevada.

16 ~~{3. “Fully regulated carrier” has the meaning ascribed to it in~~
17 ~~NRS 706.072.~~

18 ~~—4. “Tow car” has the meaning ascribed to it in NRS 706.131.~~

19 ~~—5. “Towing services” has the meaning ascribed to it in~~
20 ~~section 9 of Senate Bill No. 451 of this session.]~~

21 Sec. 333.5. Section 22 of this act is hereby amended to read as
22 follows:

23 Sec. 22. NRS 703.310 is hereby amended to read as follows:

24 703.310 1. When a complaint is made against any public
25 utility ~~[, fully regulated carrier, broker of regulated services,~~
26 ~~operator of a tow car]~~ or alternative seller by any person, that ~~{:~~

27 ~~—(a) Any~~ **any** of the rates, tolls, charges or schedules for
28 regulated services, or any joint rate or rates ~~[assessed by any~~
29 ~~public utility, fully regulated carrier or broker of regulated~~
30 ~~services]~~ are in any respect unreasonable or unjustly
31 discriminatory , ~~{:~~

32 ~~—(b) Any of the rates, tolls, charges or schedules, or any joint~~
33 ~~rate or rates assessed by any operator of a tow car for towing~~
34 ~~services performed without the prior consent of the owner of the~~
35 ~~vehicle or the person authorized by the owner to operate the~~
36 ~~vehicle is unreasonable or unjustly discriminatory;~~

37 ~~—(c) Any of the provisions of NRS 706.446 to 706.453,~~
38 ~~inclusive, and sections 10, 11 and 11.5 of Senate Bill No. 451 of~~
39 ~~this session have been violated;~~

40 ~~—(d) Any regulation, measurement, practice or act directly~~
41 ~~relating to the transportation of persons or property, including the~~
42 ~~handling and storage of that property, or the service of any broker~~
43 ~~in connection therewith,]~~ or any regulation, measurement,

1 practice or act affecting or relating to the production,
2 transmission or delivery or furnishing of heat, light, gas, coal
3 slurry, water or power, or any service in connection therewith or
4 the transmission thereof is, in any respect, unreasonable,
5 insufficient or unjustly discriminatory ~~[- or~~
6 ~~—(e) Any]~~, or that any service is inadequate, the division of
7 consumer ~~[relations of the commission]~~ **complaint resolution**
8 shall investigate the complaint. After receiving the complaint, the
9 division shall give a copy of it to the public utility ~~[- carrier,~~
10 ~~broker, operator of a tow car]~~ or alternative seller against whom
11 the complaint is made. Within a reasonable time thereafter, the
12 public utility ~~[- carrier, broker, operator of a tow car]~~ or
13 alternative seller shall provide the commission with its written
14 response to the complaint according to the regulations of the
15 commission.

16 2. If the division of consumer ~~[relations]~~ **complaint**
17 **resolution** is unable to resolve the complaint, the division shall
18 transmit the complaint, the results of its investigation and its
19 recommendation to the commission. If the commission
20 determines that probable cause exists for the complaint, it shall
21 order a hearing thereof, give notice of the hearing and conduct
22 the hearing as it would any other hearing.

23 3. No order affecting a rate, toll, charge, schedule,
24 regulation, measurement, practice or act complained of may be
25 entered without a formal hearing unless the hearing is dispensed
26 with as provided in NRS 703.320.

27 Sec. 334.5. NRS 703.155, 706.106 and 706.174 , and **section**
28 **4 of chapter 555, Statutes of Nevada 1997, at page 2666**, are
29 hereby repealed.

30 Sec. 345. 1. This section and sections 4, 20, 21, 22, 27 to 54,
31 inclusive, 230 to 233, inclusive, 320 to 326, inclusive, **333.7**, 334,
32 335 to 344, inclusive, 346 and 347 of this act become effective
33 upon passage and approval.

34 2. Sections 1, 2, 3, 5 to 19, inclusive, 23 to 26, inclusive, 55 to
35 70, inclusive, 71 to 133, inclusive, 135 to 150, inclusive, 152 to
36 ~~[172, inclusive,]~~ 174, **inclusive**, 176, 178 to 221, inclusive, 223 to
37 ~~[229,]~~ **227**, inclusive, **229**, 234 to 278, inclusive, 280 to 319,
38 inclusive, 327, 328, 329, 331 to 333.5, inclusive, and 334.5 of this
39 act become effective on October 1, 1997.

40 3. Sections 151, 222 , **228** and 330 of this act become effective
41 at 12:01 a.m. on October 1, 1997.

1 ~~[4.—Section 173 of this act becomes effective on the date that~~
2 ~~the provisions of 49 U.S.C. § 11501 are repealed or judicially~~
3 ~~declared to be invalid.]~~

4 Sec. 346. ~~[1.—Sections 174, 176, 178 and 179 of this act~~
5 ~~expire by limitation on the date that the provisions of 49 U.S.C. §~~
6 ~~11501 are repealed or judicially declared to be invalid.~~

7 ~~—2.]~~ Section 239 of this act expires by limitation on June 30,
8 2003.

9 2. Chapter 482, Statutes of Nevada 1997, at page 2021, is hereby
10 amended by adding thereto a new section to be designated as section 333.7,
11 immediately following section 333.5, to read as follows:

12 Sec. 333.7. Section 280 of chapter 489, Statutes of Nevada
13 1997, at page 2333, is hereby amended to read as follows:

14 Sec. 280. NRS 179A.100 is hereby amended to read as
15 follows:

16 179A.100 1. The following records of criminal history may
17 be disseminated by an agency of criminal justice without any
18 restriction pursuant to this chapter:

- 19 (a) Any which reflect records of conviction only; and
20 (b) Any which pertain to an incident for which a person is
21 currently within the system of criminal justice, including parole
22 or probation.

23 2. Without any restriction pursuant to this chapter, a record
24 of criminal history or the absence of such a record may be:

25 (a) Disclosed among agencies which maintain a system for the
26 mutual exchange of criminal records.

27 (b) Furnished by one agency to another to administer the
28 system of criminal justice, including the furnishing of information
29 by a police department to a district attorney.

30 (c) Reported to the central repository.

31 3. An agency of criminal justice shall disseminate to a
32 prospective employer, upon request, records of criminal history
33 concerning a prospective employee or volunteer which:

- 34 (a) Reflect convictions only; or
35 (b) Pertain to an incident for which the prospective employee
36 or volunteer is currently within the system of criminal justice,
37 including parole or probation.

38 4. The central repository shall disseminate to a prospective
39 or current employer, upon request, information relating to sexual
40 offenses concerning an employee, prospective employee,
41 volunteer or prospective volunteer who gives his written consent
42 to the release of that information.

1 5. Records of criminal history must be disseminated by an
2 agency of criminal justice upon request, to the following persons
3 or governmental entities:

4 (a) The person who is the subject of the record of criminal
5 history for the purposes of NRS 179A.150.

6 (b) The person who is the subject of the record of criminal
7 history or his attorney of record when the subject is a party in a
8 judicial, administrative, licensing, disciplinary or other
9 proceeding to which the information is relevant.

10 (c) The state gaming control board.

11 (d) The state board of nursing.

12 (e) The private investigator's licensing board to investigate an
13 applicant for a license.

14 (f) A public administrator to carry out his duties as prescribed
15 in chapter 253 of NRS.

16 (g) A public guardian to investigate a ward or proposed ward
17 or persons who may have knowledge of assets belonging to a
18 ward or proposed ward.

19 (h) Any agency of criminal justice of the United States or of
20 another state or the District of Columbia.

21 (i) Any public utility subject to the jurisdiction of the public
22 service commission of Nevada when the information is necessary
23 to conduct a security investigation of an employee or prospective
24 employee, or to protect the public health, safety or welfare.

25 (j) Persons and agencies authorized by statute, ordinance,
26 executive order, court rule, court decision or court order as
27 construed by appropriate state or local officers or agencies.

28 (k) Any person or governmental entity which has entered into
29 a contract to provide services to an agency of criminal justice
30 relating to the administration of criminal justice, if authorized by
31 the contract, and if the contract also specifies that the information
32 will be used only for stated purposes and that it will be otherwise
33 confidential in accordance with state and federal law and
34 regulation.

35 (l) Any reporter for the electronic or printed media in his
36 professional capacity for communication to the public.

37 (m) Prospective employers if the person who is the subject of
38 the information has given written consent to the release of that
39 information by the agency which maintains it.

40 (n) For the express purpose of research, evaluative or
41 statistical programs pursuant to an agreement with an agency of
42 criminal justice.

(o) The division of child and family services of the department of human resources and any county agency that is operated pursuant to NRS 432B.325 or authorized by a court of competent jurisdiction to receive and investigate reports of abuse or neglect of children and which provides or arranges for protective services for such children.

(p) *The welfare division of the department of human resources or its designated representative.*

(q) *An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Title IV of the Social Security Act (42 U.S.C. §§ 651 et seq.).*

(r) The state disaster identification team of the division of emergency management of the department of motor vehicles and public safety during a state of emergency proclaimed pursuant to NRS 414.070.

6. Agencies of criminal justice in this state which receive information from sources outside the state concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 57. 1. Sections 4.5, 5, 5.5, 13, 17, 22, 113, 168, 173, 184, 194, 219, 231, 249, 250, 251, 254, 381, 473, 474, 496, 498, 508, 509, 509.4, 511 to 515, inclusive, 518 and 519 of chapter 483, Statutes of Nevada 1997, at pages 2028, 2030, 2034, 2036, 2040, 2073, 2090, 2092, 2097, 2101, 2109, 2113, 2119, 2120, 2158, 2190, 2191, 2199, 2200, 2203, 2204, 2206 to 2209, inclusive, 2211 and 2212, are hereby amended to read respectively as follows:

Sec. 4.5. NRS 425.347 is hereby amended to read as follows:

425.347 1. A governmental entity which issues a license to do business in this state shall, upon request of the division, submit to the division information regarding the name, address and social security number of each natural person who holds such a license and any pertinent changes in that information.

2. A board or commission which issues occupational or professional licenses, certificates or permits pursuant to Title 54 of NRS shall, upon request of the division, submit to the division information regarding the name, address and social security number of each person who holds such a license, certificate or permit and any pertinent changes in that information.

3. The division shall periodically provide the information obtained pursuant to this section *and sections 137, 145, 149, 153 and 157 of this act* to the district attorneys and other public agencies in this state collecting support for children.

1 Sec. 5. NRS 425.3837 is hereby amended to read as follows:
2 425.3837 1. Each district attorney or other public agency
3 collecting support for children shall send a notice by first-class mail
4 to each person who ~~is~~ :

- 5 (a) *Has failed to comply with a subpoena or warrant relating*
6 *to a proceeding to determine the paternity of a child or to*
7 *establish or enforce an obligation for the support of a child; or*
8 (b) *Is* in arrears in the payment for the support of ~~a child,~~ *one*
9 *or more children.*

10 The notice must include ~~a statement of the amount of the arrearage~~
11 ~~and~~ the information set forth in subsection 2 ~~;~~ *and a copy of the*
12 *subpoena or warrant or a statement of the amount of the*
13 *arrearage.*

14 2. If the person does not ~~satisfy~~ , *within 30 days after he*
15 *receives the notice required by subsection 1:*

- 16 (a) *Comply with the subpoena or warrant;*
17 (b) *Satisfy* the arrearage pursuant to ~~subsection 6 or submit~~
18 *section 3.8 of this act; or*

19 (c) *Submit* to the district attorney or other public agency a
20 written request for a hearing , ~~within 20 days after he receives the~~
21 ~~notice required by subsection 1,~~

22 the district attorney or other public agency shall report the name of
23 that person to the department of motor vehicles and public safety.

24 3. If a person requests a hearing within the period prescribed in
25 subsection 2, a hearing must be held pursuant to NRS 425.3832.

26 The master shall notify the person of his recommendation at the
27 conclusion of the hearing or as soon thereafter as is practicable. If
28 the master determines that the person *has failed to comply with a*
29 *subpoena or warrant relating to a proceeding to determine the*
30 *paternity of a child or to establish or enforce an obligation for the*
31 *support of a child, he shall include in the notice the information*
32 *set forth in subsection 4. If the master determines that the person*
33 *is in arrears in the payment for the support of a child,* *one or more*
34 *children,* he shall include in the notice the information set forth in
35 subsection ~~4;~~ 5.

36 4. *If the master determines that a person who requested a*
37 *hearing pursuant to subsection 2 has not complied with a*
38 *subpoena or warrant relating to a proceeding to determine the*
39 *paternity of a child or to establish or enforce an obligation for the*
40 *support of a child and the district court issues an order approving*
41 *the recommendation of the master, the district attorney or other*
42 *public agency shall report the name of that person to the*
43 *department.*

1 5. If the master determines that a person who requested a
2 hearing pursuant to subsection 2 is in arrears in the payment for the
3 support of ~~{a child}~~ **one or more children, the master shall notify**
4 **the person that if he does not immediately agree to enter into a**
5 **plan for the repayment of the arrearages that is approved by the**
6 **district attorney or other public agency, his driver's license and**
7 **motorcycle driver's license may be subject to suspension. If the**
8 **person does not agree to enter into such a plan** and the district
9 court issues an order approving the recommendation of the master,
10 the district attorney or other public agency shall report the name of
11 that person to the department.

12 ~~{5.}~~ 6. The district attorney or other public agency shall, within
13 5 days after the person who **has failed to comply with a subpoena**
14 **or warrant or** is in arrears in the payment for the support of ~~{a~~
15 ~~child}~~ **one or more children complies with the subpoena or**
16 **warrant or** satisfies the arrearage pursuant to ~~{subsection 6,}~~ **section**
17 **3.8 of this act,** notify the department that the person ~~{no longer in~~
18 ~~arrears in the payment for the support of a child.~~
19 ~~—6.}~~ **has complied with the subpoena or warrant or has satisfied**
20 **the arrearage.**

21 7. For the purposes of this section ~~{:~~
22 ~~—(a) A person is in arrears in the payment for the support of a~~
23 ~~child if:~~
24 ~~—(1) He owes more than \$1,000 in payments for the support of~~
25 ~~a child which are past due and is delinquent for not less than 2~~
26 ~~months in payments for the support of a child or any payments~~
27 ~~ordered by a court for arrearages in such payments; or~~
28 ~~—(2) He has failed to provide medical insurance for a child as~~
29 ~~required by a court order.~~
30 ~~—(b) A person who is in arrears in the payment for the support of a~~
31 ~~child may satisfy the arrearage by:~~
32 ~~—(1) Paying all of the past due payments;~~
33 ~~—(2) If unable to pay all of the past due payments, paying the~~
34 ~~amount of the overdue payments for the preceding 12 months which~~
35 ~~a court has determined are in arrears; or~~
36 ~~—(3) If the arrearage is for a failure to provide and maintain~~
37 ~~medical insurance, providing proof that the child is covered under a~~
38 ~~policy, contract or plan of medical insurance.~~
39 ~~—(c) A], a~~ person shall be deemed to have received a notice 3
40 days after it is mailed, by first-class mail, postage prepaid, to that
41 person at his last known address.

1 Sec. 5.5. NRS 425.3837 is hereby amended to read as follows:
2 425.3837 1. Each district attorney or other public agency
3 collecting support for children shall send a notice by first-class mail
4 to each person who ~~is~~:

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

8 ~~—(b) Is~~ **is** in arrears in the payment for the support of one or more
9 children. The notice must include the information set forth in
10 subsection 2 and ~~[a copy of the subpoena or warrant or]~~ a statement
11 of the amount of the arrearage.

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

14 (a) ~~[Comply with the subpoena or warrant;~~
15 ~~—(b)]~~ Satisfy the arrearage pursuant to ~~[section 3.8 of this act; or~~
16 ~~—(c)]~~ **subsection 6; or**

17 **(b)** Submit to the district attorney or other public agency a
18 written request for a hearing,
19 the district attorney or other public agency shall report the name of
20 that person to the department of motor vehicles and public safety.

21 3. If a person requests a hearing within the period prescribed in
22 subsection 2, a hearing must be held pursuant to NRS 425.3832.
23 The master shall notify the person of his recommendation at the
24 conclusion of the hearing or as soon thereafter as is practicable. If
25 the master determines that the person ~~[has failed to comply with a~~
26 ~~subpoena or warrant relating to a proceeding to determine the~~
27 ~~paternity of a child or to establish or enforce an obligation for the~~
28 ~~support of a child, he shall include in the notice the information set~~
29 ~~forth in subsection 4. If the master determines that the person]~~ is in
30 arrears in the payment for the support of one or more children, he
31 shall include in the notice the information set forth in subsection
32 ~~[5.]~~ **4.**

33 4. If the master determines that a person who requested a
34 hearing pursuant to subsection 2 ~~[has not complied with a subpoena~~
35 ~~or warrant relating to a proceeding to determine the paternity of a~~
36 ~~child or to establish or enforce an obligation for the support of a~~
37 ~~child and the district court issues an order approving the~~
38 ~~recommendation of the master, the district attorney or other public~~
39 ~~agency shall report the name of that person to the department.~~

40 ~~—5.—If the master determines that a person who requested a~~
41 ~~hearing pursuant to subsection 2]~~ is in arrears in the payment for the
42 support of one or more children, the master shall notify the person
43 that if he does not immediately agree to enter into a plan for the

1 repayment of the arrearages that is approved by the district attorney
2 or other public agency, his driver's license and motorcycle driver's
3 license may be subject to suspension. If the person does not agree to
4 enter into such a plan and the district court issues an order
5 approving the recommendation of the master, the district attorney or
6 other public agency shall report the name of that person to the
7 department.

8 ~~[6.]~~ 5. The district attorney or other public agency shall, within
9 5 days after the person who ~~[has failed to comply with a subpoena~~
10 ~~or warrant or]~~ is in arrears in the payment for the support of one or
11 more children ~~[complies with the subpoena or warrant or]~~ satisfies
12 the arrearage pursuant to ~~[section 3.8 of this act,]~~ **subsection 6,**
13 notify the department that the person has ~~[complied with the~~
14 ~~subpoena or warrant or has]~~ satisfied the arrearage.

15 ~~[7.]~~ 6. For the purposes of this section ~~[, a]~~ :

16 ***(a) A person is in arrears in the payment for the support of one***
17 ***or more children if:***

18 ***(1) He:***

19 ***(I) Owes a total of more than \$1,000 for the support of***
20 ***one or more children for which payment is past due; and***

21 ***(II) Is delinquent for not less than 2 months in payments***
22 ***for the support of one or more children or any payments ordered***
23 ***by a court for arrearages in such payments; or***

24 ***(2) He has failed to provide medical insurance for a child as***
25 ***required by a court order.***

26 ***(b) A person who is in arrears in the payment for the support***
27 ***of one or more children may satisfy the arrearage by:***

28 ***(1) Paying all of the past due payments;***

29 ***(2) If he is unable to pay all past due payments:***

30 ***(I) Paying the amounts of the overdue payments for the***
31 ***preceding 12 months which a court has determined are in***
32 ***arrears; or***

33 ***(II) Entering into and complying with a plan for the***
34 ***repayment of the arrearages which is approved by the district***
35 ***attorney or other public agency enforcing the order; or***

36 ***(3) If the arrearage is for a failure to provide and maintain***
37 ***medical insurance, providing proof that the child is covered under***
38 ***a policy, contract or plan of medical insurance.***

39 ***(c) A person shall be deemed to have received a notice 3 days***
40 ***after it is mailed, by first-class mail, postage prepaid, to that person***
41 ***at his last known address.***

1 Sec. 13. NRS 7.030 is hereby amended to read as follows:
2 7.030 1. Each person, before receiving a license to practice
3 law, shall:

4 ~~1.1~~ (a) Take, before a person authorized by the laws of this
5 state to administer oaths, the oath prescribed by rule of the supreme
6 court.

7 ~~1.2~~ (b) Pay to the clerk of the supreme court the sum of \$25.
8 The clerk of the supreme court shall remit the fees to the state
9 treasurer as provided by subsection 7 of NRS 2.250. The money
10 ~~1.3~~ received by the state treasurer *pursuant to this paragraph* must
11 be placed in the state general fund.

12 ~~1.3~~ (c) Submit to the State Bar of Nevada a complete set of his
13 fingerprints and written permission authorizing the admissions
14 director of the State Bar of Nevada to forward the fingerprints to
15 the central repository for Nevada records of criminal history for
16 submission to the Federal Bureau of Investigation for its report.

17 2. *An application for a license to practice law must include*
18 *the social security number of the applicant.*

19 Sec. 17. NRS 90.350 is hereby amended to read as follows:
20 90.350 1. An applicant for licensing as a broker-dealer, sales
21 representative, investment adviser or representative of an
22 investment adviser must file with the administrator an application
23 for licensing and a consent to service of process pursuant to NRS
24 90.770 and pay the fee required by NRS 90.360. The application
25 for licensing must contain the *social security number of the*
26 *applicant and any other* information the administrator determines
27 by regulation to be necessary and appropriate to facilitate the
28 administration of this chapter.

29 2. The requirements of subsection 1 are satisfied by an
30 applicant who has filed and maintains a completed and current
31 registration with the Securities and Exchange Commission or a self-
32 regulatory organization if the information contained in that
33 registration is readily available to the administrator through a
34 central depository system approved by him. Such an applicant must
35 also file a notice with the administrator in the form and content
36 determined by the administrator by regulation and a consent to
37 service of process pursuant to NRS 90.770 and the fee required by
38 NRS 90.360. The administrator, by order, may require the
39 submission of additional information by an applicant.

40 Sec. 22. NRS 122.062 is hereby amended to read as follows:

41 122.062 1. Any licensed or ordained minister in good
42 standing within his denomination, whose denomination, governing
43 body and church, or any of them, are incorporated or organized or

1 established in this state, may join together as husband and wife
2 persons who present a marriage license obtained from any county
3 clerk of the state, if the minister first obtains a certificate of
4 permission to perform marriages as provided in this section ,
5 *sections 20 and 21 of this act* and NRS 122.064 to 122.073,
6 inclusive. The fact that a minister is retired does not disqualify him
7 from obtaining a certificate of permission to perform marriages if,
8 before his retirement, he had active charge of a congregation within
9 this state for a period of at least 3 years.

10 2. A temporary replacement for a licensed or ordained minister
11 certified pursuant to this section , *sections 20 and 21 of this act* and
12 NRS 122.064 to 122.073, inclusive, may solemnize marriages
13 pursuant to subsection 1 during such time as he may be authorized
14 to do so by the county clerk in the county in which he is a
15 temporary replacement, for a period not to exceed 90 days. The
16 minister whom he temporarily replaces shall provide him with a
17 written authorization which states the period during which it is
18 effective.

19 3. Any chaplain who is assigned to duty in this state by the
20 Armed Forces of the United States may solemnize marriages if he
21 obtains a certificate of permission to perform marriages from the
22 county clerk of the county in which his duty station is located. The
23 county clerk shall issue such a certificate to a chaplain upon proof
24 by him of his military status as a chaplain and of his assignment.

25 4. A county clerk may authorize a licensed or ordained minister
26 whose congregation is in another state to perform marriages in the
27 county if the county clerk satisfies himself that the minister is in
28 good standing with his denomination or church. The authorization
29 must be in writing and need not be filed with any other public
30 officer. A separate authorization is required for each marriage
31 performed. Such a minister may perform not more than five
32 marriages in this state in any calendar year.

33 Sec. 113. NRS 482.363 is hereby amended to read as follows:

34 482.363 1. Except as otherwise provided in subsection ~~6~~ 7,
35 a person who engages in the leasing of vehicles in this state as a
36 long-term or short-term lessor shall:

37 (a) Secure a license from the department to conduct the leasing
38 business;

39 (b) Post a bond;

40 (c) Furnish the department with any other information as may be
41 required;

42 (d) Comply with the terms and conditions of this chapter which
43 apply to vehicle dealers; ~~and~~

1 (e) *If the applicant is a natural person, submit the statement*
2 *required pursuant to section 104 of this act; and*

3 (f) Pay a license fee of \$125.

4 2. Except as otherwise provided in subsection ~~{6.}~~ 7, a short-
5 term lessor shall, in addition to the license fee specified in
6 subsection 1, pay a fee of \$125 for each branch to be operated
7 pursuant to the license.

8 3. Any person employed by a long-term lessor licensed under
9 the provisions of subsection 1 who engages in the practice of
10 arranging or selling such services, and any person employed by a
11 short-term lessor who sells, offers or displays for sale or exchange
12 vehicles which are owned by ~~{such}~~ the short-term lessor shall,
13 before commencing operations, and annually thereafter:

14 (a) Secure from the department a license to act as a salesman of
15 such services; and

16 (b) Comply with the terms and conditions which apply to
17 salesmen of vehicles as specified in NRS 482.362.

18 4. *An application for the issuance of a license pursuant to*
19 *this section must include the social security number of the*
20 *applicant.*

21 5. Licenses issued pursuant to subsection 1 expire on December
22 31 of each year. Before December 31 of each year, licensees shall
23 furnish the department with an application for renewal of the license
24 accompanied by an annual renewal fee of \$50. Except as otherwise
25 provided in subsection ~~{6.}~~ 7, a short-term lessor shall, in addition
26 to the annual renewal fee, pay an annual fee of \$50 for each branch
27 to be operated pursuant to the license. *If the applicant is a natural*
28 *person, the application for renewal also must be accompanied by*
29 *the statement required pursuant to section 104 of this act.* The
30 renewal application must be provided by the department and must
31 contain information required by the department.

32 ~~{5.}~~ 6. The provisions of NRS 482.352, relating to the denial,
33 revocation or suspension of licenses, apply to licenses issued
34 pursuant to the provisions of subsection 1. The provisions of NRS
35 482.362, relating to the denial, revocation, suspension and transfer
36 of vehicle salesmen's licenses, apply to licenses issued pursuant to
37 the provisions of subsection 3.

38 ~~{6.}~~ 7. The provisions of subsections 1, 2 and ~~{4}~~ 5 which
39 relate to the licensing of lessors of vehicles do not apply to:

40 (a) An owner of a vehicle who leases it to a carrier and operates
41 the vehicle pursuant to that lease; or

1 (b) A new or used vehicle dealer licensed pursuant to the
2 provisions of NRS 482.325 who engages in the leasing of vehicles
3 in this state as a long-term lessor.

4 ~~[7.]~~ 8. As used in this section, “carrier” has the meaning
5 ascribed to it in section 3 of Assembly Bill No. 133 of this session.

6 Sec. 168. NRS 544.070 is hereby amended to read as follows:

7 544.070 As used in NRS 544.070 to 544.240, inclusive, **and**
8 **sections 165, 166 and 167 of this act**, unless the context requires
9 otherwise:

10 1. “Director” means the director of the state department of
11 conservation and natural resources.

12 2. “Operation” means:

13 (a) The performance of weather modification and control
14 activities pursuant to a single contract entered into for the purpose
15 of producing, or attempting to produce, a certain modifying effect
16 within one geographical area over one continuing time interval not
17 exceeding 1 year; or

18 (b) If the performance of weather modification and control
19 activities is to be undertaken individually or jointly by a person or
20 persons to be benefited and not undertaken pursuant to a contract,
21 the performance of weather modification and control activities
22 entered into for the purpose of producing, or attempting to produce,
23 a certain modifying effect within one geographical area over one
24 continuing time interval not exceeding 1 year.

25 3. “Research and development” means theoretical analysis,
26 exploration and experimentation and the extension of investigative
27 findings and theories of a scientific or technical nature into practical
28 application for experimental and demonstration purposes, including
29 the experimental production and testing of models, devices,
30 equipment, materials and processes.

31 4. “Weather modification and control” means changing or
32 controlling, or attempting to change or control, by artificial methods
33 the natural development of any or all atmospheric cloud forms or
34 precipitation forms which occur in the troposphere.

35 Sec. 173. NRS 555.2605 is hereby amended to read as follows:

36 555.2605 As used in NRS 555.2605 to 555.460, inclusive, **and**
37 **sections 171 and 172 of this act**, unless the context otherwise
38 requires, the words and terms defined in NRS 555.261 to 555.2695,
39 inclusive, have the meanings ascribed to them in those sections.

40 Sec. 184. NRS 581.103 is hereby amended to read as follows:

41 581.103 1. Any person who wishes to make any repair or
42 adjustment, for hire, to a weighing or measuring device must submit
43 to the state sealer of weights and measures:

1 (a) An application for a certificate of registration on a form
2 provided by the state sealer of weights and measures;

3 (b) *The statement required pursuant to section 182 of this act;*

4 (c) The annual fee prescribed by regulation pursuant to NRS
5 581.075; and

6 ~~[(e)]~~ (d) The equipment the person will use to repair or adjust
7 weighing or measuring devices. The state sealer of weights and
8 measures shall inspect the equipment to ensure that the equipment
9 complies with the standards set forth in the regulations adopted
10 pursuant to NRS 581.050.

11 2. *An application for a certificate of registration must include*
12 *the social security number of the applicant.*

13 3. The state sealer of weights and measures shall issue to any
14 person who complies with the requirements of subsection 1 a
15 certificate of registration. The certificate must include a unique
16 registration number.

17 ~~[(3)]~~ 4. A certificate of registration is effective for the calendar
18 year in which it is issued, and may be renewed upon application on
19 or before January 15 of the succeeding year. Any person who, for
20 hire, makes a repair or adjustment to a weighing or measuring
21 device without being registered pursuant to this section shall be
22 punished as provided in NRS 581.450.

23 ~~[(4)]~~ 5. Except as otherwise provided in NRS 581.104, any
24 person who sells or installs or makes any repair or adjustment to a
25 commercially used weighing or measuring device shall within 24
26 hours notify the state sealer of weights and measures, on a form
27 provided by the state sealer of weights and measures, of that repair,
28 adjustment, sale or installation. If a person who has been issued a
29 certificate of registration pursuant to subsection ~~[(2)]~~ 3 fails to notify
30 the state sealer of weights and measures as required by this
31 subsection, the state sealer of weights and measures may suspend
32 the certificate of registration of that person for not more than 10
33 days and may, after a hearing, revoke his certificate of registration.

34 ~~[(5)]~~ 6. The form required pursuant to subsection ~~[(4)]~~ 5 must
35 include:

36 (a) The registration number and signature of the person who
37 sold, installed, repaired or adjusted the device; and

38 (b) A statement requesting that the state sealer of weights and
39 measures inspect the weighing or measuring device and seal or
40 mark it if it complies with the standards set forth in the regulations
41 adopted pursuant to NRS 581.050.

42 ~~[(6)]~~ 7. Any person required to register pursuant to subsection 1
43 who employs any other person to make any repair or adjustment to

1 a weighing or measuring device is responsible for the registration of
2 that employee in the manner required by subsection 1.

3 ~~7.7~~ 8. The provisions of this section do not apply to a public
4 utility subject to the jurisdiction of the public utilities commission
5 of Nevada.

6 Sec. 194. NRS 587.290 is hereby amended to read as follows:

7 587.290 As used in NRS 587.290 to 587.450, inclusive, *and*
8 *sections 191, 192 and 193 of this act*, unless the context otherwise
9 requires, “agricultural products” includes horticultural, viticultural,
10 dairy, bee and farm products.

11 Sec. 219. NRS 623.220 is hereby amended to read as follows:

12 623.220 1. The board shall issue a certificate of registration
13 as an architect or a residential designer, upon payment of a
14 registration fee pursuant to NRS 623.310, to any applicant who
15 complies with the provisions of NRS 623.190 *and section 214 of*
16 *this act* and passes the examinations, or in lieu thereof brings
17 himself within the provisions of NRS 623.210.

18 2. The board shall issue a certificate of registration to practice
19 as a registered interior designer upon payment of a registration fee
20 pursuant to NRS 623.310 to any applicant who complies with the
21 provisions of NRS 623.192 and 623.200 ~~and~~ *and section 214 of this*
22 *act*.

23 3. Certificates of registration must ~~show~~ *include* the full name
24 of the registrant, have a serial number and be signed by the
25 chairman and the secretary of the board under seal of the board. The
26 issuance of a certificate of registration by the board is evidence that
27 the person named therein is entitled to all the rights and privileges
28 of an architect, registered interior designer or residential designer
29 while the certificate remains unsuspended, unrevoked and
30 unexpired.

31 Sec. 231. NRS 624.283 is hereby amended to read as follows:

32 624.283 1. Each license issued under the provisions of this
33 chapter expires 1 year after the date on which it is issued, except
34 that the board may by regulation prescribe shorter or longer periods
35 and prorated fees to establish a system of staggered renewals. Any
36 license which is not renewed on or before the date for renewal is
37 automatically suspended.

38 2. A license may be renewed by ~~filing with~~ *submitting to* the
39 board ~~an~~ :

- 40 (a) *An* application for renewal ~~and payment of the~~ ;
41 (b) *The statement required pursuant to section 228 of this act*
42 *if the holder of the license is a natural person; and*
43 (c) *The* fee for renewal fixed by the board.

1 3. The board may require the licensee to submit at any time a
2 financial statement that is prepared by a certified public accountant,
3 if the board believes that:

- 4 (a) The licensee did not pay an undisputed debt;
5 (b) The licensee has violated or may be violating a provision of
6 chapter 624 of NRS or a regulation adopted pursuant thereto; or
7 (c) The licensee's financial responsibility may be impaired.

8 4. If a license is automatically suspended pursuant to subsection
9 1, the licensee may have his license reinstated upon filing an
10 application for renewal within 6 months after the date of suspension
11 and paying, in addition to the fee for renewal, a fee for
12 reinstatement fixed by the board, if he is otherwise in good standing
13 and there are no complaints pending against him. If he is otherwise
14 not in good standing or there is a complaint pending, the board shall
15 require him to provide a current financial statement prepared by a
16 certified public accountant or establish other conditions for
17 reinstatement. *If the licensee is a natural person, his application*
18 *for renewal must be accompanied by the statement required*
19 *pursuant to section 228 of this act.* A license which is not
20 reinstated within 6 months after it is automatically suspended may
21 be canceled by the board, and a new license may be issued only
22 upon application for an original contractor's license.

23 Sec. 249. *1. An applicant for the issuance or renewal of a*
24 *license to practice medicine or to practice as a physician's*
25 *assistant shall submit to the board the statement prescribed by the*
26 *welfare division of the department of human resources pursuant*
27 *to section 3 of this act. The statement must be completed and*
28 *signed by the applicant.*

29 *2. The board shall include the statement required pursuant to*
30 *subsection 1 in:*

- 31 *(a) The application or any other forms that must be submitted*
32 *for the issuance or renewal of the license; or*
33 *(b) A separate form prescribed by the board.*

34 *3. A license to practice medicine or to practice as a*
35 *physician's assistant may not be issued or renewed by the board if*
36 *the applicant:*

- 37 *(a) Fails to submit the statement required pursuant to*
38 *subsection 1; or*
39 *(b) Indicates on the statement submitted pursuant to*
40 *subsection 1 that he is subject to a court order for the support of a*
41 *child and is not in compliance with the order or a plan approved*
42 *by the district attorney or other public agency enforcing the order*
43 *for the repayment of the amount owed pursuant to the order.*

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

10 Sec. 250. 1. *If the board receives a copy of a court order*
11 *issued pursuant to section 3.4 of this act that provides for the*
12 *suspension of all professional, occupational and recreational*
13 *licenses, certificates and permits issued to a person who is the*
14 *holder of a license to practice medicine or to practice as a*
15 *physician's assistant, the board shall deem the license issued to*
16 *that person to be suspended at the end of the 30th day after the*
17 *date on which the court order was issued unless the board*
18 *receives a letter issued to the holder of the license by the district*
19 *attorney or other public agency pursuant to section 3.6 of this act*
20 *stating that the holder of the license has complied with the*
21 *subpoena or warrant or has satisfied the arrearage pursuant to*
22 *section 3.8 of this act.*

23 2. *The board shall reinstate a license to practice medicine or*
24 *to practice as a physician's assistant that has been suspended by a*
25 *district court pursuant to section 3.4 of this act if the board*
26 *receives a letter issued by the district attorney or other public*
27 *agency pursuant to section 3.6 of this act to the person whose*
28 *license was suspended stating that the person whose license was*
29 *suspended has complied with the subpoena or warrant or has*
30 *satisfied the arrearage pursuant to section 3.8 of this act.*

31 Sec. 251. NRS 630.165 is hereby amended to read as follows:

32 630.165 1. An applicant for a license to practice medicine
33 must submit to the board, on a form provided by the board, an
34 application in writing, accompanied by an affidavit stating that:

35 (a) The applicant is the person named in the proof of graduation
36 and that it was obtained without fraud or misrepresentation or any
37 mistake of which the applicant is aware; and

38 (b) The information contained in the application and any
39 accompanying material ~~fare~~ is complete and correct.

40 2. *An application submitted pursuant to subsection 1 must*
41 *include the social security number of the applicant.*

1 3. In addition to the other requirements for licensure, the board
2 may require such further evidence of the mental, physical, medical
3 or other qualifications of the applicant as it considers necessary.

4 ~~3.~~ 4. The applicant bears the burden of proving and
5 documenting his qualifications for licensure.

6 Sec. 254. NRS 630.273 is hereby amended to read as follows:

7 630.273 The board may issue a license to an applicant who is
8 qualified under the regulations of the board to perform medical
9 services under the supervision of a supervising physician. The
10 application for a license as a physician's assistant must **include the**
11 **social security number of the applicant and** be cosigned by the
12 supervising physician.

13 Sec. 381. NRS 642.090 is hereby amended to read as follows:

14 642.090 1. Every person who wishes to practice the
15 profession of embalming ~~shall~~ **must** appear before the board and,
16 upon payment of a fee not to exceed \$300 to cover expenses of
17 examination, must be examined in the knowledge of the subjects set
18 forth in subsection 2. Examinations must be in writing , and the
19 board may require actual demonstration on a cadaver. If an
20 applicant has previously taken and passed the national examination
21 given by the Conference of Funeral Service Examining Boards of
22 the United States, the applicant need not retake that examination for
23 purposes of licensing in the State of Nevada. All examination
24 papers must be kept on record by the board.

25 2. The members of the board shall examine applicants for
26 licenses in the following subjects:

- 27 (a) Anatomy, sanitary science and signs of death.
28 (b) Care, disinfection, preservation, transportation of and burial
29 or other final disposition of dead bodies.
30 (c) The manner in which death may be determined.
31 (d) The prevention of the spread of infectious and contagious
32 diseases.
33 (e) Chemistry, including toxicology.
34 (f) Restorative art, including plastic surgery and derma surgery.
35 (g) Regulations of the state board of health relating to infectious
36 diseases and quarantine.
37 (h) Any other subject which the board may determine by
38 regulation to be necessary or proper to prove the efficiency and
39 qualification of the applicant.

40 3. If an applicant fulfills the requirements of NRS 642.080 **and**
41 **section 378 of this act** and has passed the examination provided for
42 by this chapter, the board shall issue to the applicant a license to
43 practice the profession of embalming for 1 year.

1 Sec. 473. 1. A natural person who applies for the issuance
2 or renewal of a license shall submit to the commissioner the
3 statement prescribed by the welfare division of the department of
4 human resources pursuant to section 3 of this act. The statement
5 must be completed and signed by the applicant.

6 2. The commissioner shall include the statement required
7 pursuant to subsection 1 in:

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

10 (b) A separate form prescribed by the commissioner.

11 3. A license may not be issued or renewed by the
12 commissioner if the applicant is a natural person who:

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

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

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

29 5. As used in this section, “license” means:

30 (a) A license as an adjuster;

31 (b) A license as an associate adjuster; and

32 (c) A limited license issued pursuant to section 18.5 of chapter
33 603, Statutes of Nevada 1997, at page 3027.

34 Sec. 474. 1. If the commissioner receives a copy of a court
35 order issued pursuant to section 3.4 of this act that provides for
36 the suspension of all professional, occupational and recreational
37 licenses, certificates and permits issued to a person who is the
38 holder of a license, the commissioner shall deem the license
39 issued to that person to be suspended at the end of the 30th day
40 after the date on which the court order was issued unless the
41 commissioner receives a letter issued to the holder of the license
42 by the district attorney or other public agency pursuant to section
43 3.6 of this act stating that the holder of the license has complied

1 *with the subpoena or warrant or has satisfied the arrearage*
2 *pursuant to section 3.8 of this act.*

3 *2. The commissioner shall reinstate a license that has been*
4 *suspended by a district court pursuant to section 3.4 of this act if*
5 *the commissioner receives a letter issued by the district attorney or*
6 *other public agency pursuant to section 3.6 of this act to the*
7 *person whose license was suspended stating that the person whose*
8 *license was suspended has complied with the subpoena or warrant*
9 *or has satisfied the arrearage pursuant to section 3.8 of this act.*

10 *3. As used in this section, “license” means:*

11 *(a) A license as an adjuster;*

12 *(b) A license as an associate adjuster; and*

13 *(c) A limited license issued pursuant to section 18.5 of chapter*
14 *603, Statutes of Nevada 1997, at page 3027.*

15 Sec. 496. NRS 689.235 is hereby amended to read as follows:

16 689.235 1. To qualify for an agent’s license, the applicant:

17 (a) Must file a written application with the commissioner on
18 forms prescribed by the commissioner;

19 (b) Must have a good business and personal reputation; and

20 (c) Must not have been convicted of, or entered a plea of guilty
21 or nolo contendere to, forgery, embezzlement, obtaining money
22 under false pretenses, larceny, extortion, conspiracy to defraud or
23 any crime involving moral turpitude.

24 2. The application must:

25 (a) Contain information concerning the applicant’s identity,
26 address, *social security number and* personal background and
27 business, professional or work history.

28 (b) Contain such other pertinent information as the
29 commissioner may require.

30 (c) Be accompanied by a complete set of ~~this~~ *the* fingerprints *of*
31 *the applicant* and written permission authorizing the commissioner
32 to forward those fingerprints to the Federal Bureau of Investigation
33 for its report.

34 (d) Be accompanied by a fee representing the amount charged by
35 the Federal Bureau of Investigation for processing the fingerprints
36 of the applicant.

37 (e) *Be accompanied by the statement required pursuant to*
38 *section 494 of this act.*

39 (f) Be accompanied by the applicable fee established in NRS
40 680B.010, which is not refundable.

41 3. A conviction of, or plea of guilty or nolo contendere by, an
42 applicant or licensee for any crime listed in paragraph (c) of
43 subsection 1 is a sufficient ground for the commissioner to deny a

1 license to the applicant, or to suspend or revoke the agent's license
2 pursuant to NRS 689.265.

3 Sec. 498. NRS 689.520 is hereby amended to read as follows:

4 689.520 1. To qualify for an agent's license, the applicant:

5 (a) Must file a written application with the commissioner on
6 forms prescribed by the commissioner; and

7 (b) Must not have been convicted of, or entered a plea of guilty
8 or nolo contendere to, forgery, embezzlement, obtaining money
9 under false pretenses, larceny, extortion, conspiracy to defraud or
10 any crime involving moral turpitude.

11 2. The application must:

12 (a) Contain information concerning the applicant's identity,
13 address, **social security number**, personal background and business,
14 professional or work history.

15 (b) Contain such other pertinent information as the
16 commissioner may require.

17 (c) Be accompanied by a complete set of fingerprints and written
18 permission authorizing the commissioner to forward those
19 fingerprints to the Federal Bureau of Investigation for its report.

20 (d) Be accompanied by a fee representing the amount charged by
21 the Federal Bureau of Investigation for processing the fingerprints
22 of the applicant.

23 (e) ***Be accompanied by the statement required pursuant to***
24 ***section 494 of this act.***

25 (f) Be accompanied by the applicable fee established in NRS
26 680B.010, which is not refundable.

27 3. A conviction of, or plea of guilty or nolo contendere by, an
28 applicant or licensee for any crime listed in paragraph (b) of
29 subsection 1 is a sufficient ground for the commissioner to deny a
30 license to the applicant, or to suspend or revoke the agent's license
31 pursuant to NRS 689.535.

32 Sec. 508. NRS 692B.070 is hereby amended to read as
33 follows:

34 692B.070 1. A written application for any permit required
35 under NRS 692B.040 must be filed with the commissioner. The
36 application must include or be accompanied by:

37 (a) The name, type and purposes of the insurer, corporation,
38 syndicate, association, firm or organization formed or proposed to
39 be formed or financed;

40 (b) The name, residence address, business background and
41 experience for the preceding 10 years and qualifications of each
42 person associated or to be associated as incorporator, director,
43 promoter, manager or in other similar capacity in the enterprise, or

1 in the formation of the proposed insurer, corporation, syndicate,
2 association, firm or organization, or in the proposed financing,
3 together with the fingerprints of each individual so associated or to
4 be associated, on forms furnished by the commissioner;

5 (c) A full disclosure of the terms of all pertinent understandings
6 and agreements existing or proposed among any persons or entities
7 so associated or to be associated, and a copy of each such
8 agreement;

9 (d) Executed quadruplicate originals of the articles of
10 incorporation of a proposed domestic stock or mutual insurer;

11 (e) The original and one copy of the proposed bylaws of a
12 proposed domestic stock or mutual insurer;

13 (f) The plan according to which solicitations are to be made and
14 a reasonably detailed estimate of all organization and sales expenses
15 to be incurred in the proposed organization and offering;

16 (g) A copy of any security, receipt or certificate proposed to be
17 offered, and a copy of any proposed subscription agreement or
18 application therefor;

19 (h) A copy of any prospectus, offering circular, advertising or
20 sales literature or material proposed to be used;

21 (i) A copy of the proposed form of any escrow agreement
22 required;

23 (j) A copy of:

24 (1) The articles of incorporation of any corporation, other than
25 a proposed domestic insurer, proposing to offer its securities,
26 certified by the public officer having custody of the original thereof;

27 (2) Any syndicate, association, firm, organization or other
28 similar agreement, by whatever name called, if funds for any of the
29 purposes referred to in subsection 1 of NRS 692B.040 are to be
30 secured through the sale of any security, interest or right in or
31 relative to such syndicate, association, firm or organization; and

32 (3) If the insurer is, or is to be, a reciprocal insurer, the power
33 of attorney and of other agreements existing or proposed affecting
34 subscribers, investors, the attorney in fact or the insurer; ~~and~~

35 (k) *If the applicant is a natural person, the statement required*
36 *pursuant to section 506 of this act; and*

37 (l) Such additional pertinent information as the commissioner
38 may reasonably require.

39 2. The application must be accompanied by a deposit of the
40 fees required under NRS 680B.010 for the filing of the application
41 and for issuance of the permit, if granted.

42 3. *If the applicant is a natural person, the application must*
43 *include the social security number of the applicant.*

1 **4.** In lieu of a special filing thereof of information required by
2 subsection 1, the commissioner may accept a copy of any pertinent
3 filing made with the Securities and Exchange Commission relative
4 to the same offering.

5 Sec. 509. NRS 692B.190 is hereby amended to read as
6 follows:

7 692B.190 1. No person may in this state solicit subscription
8 to or purchase of any security covered by a solicitation permit
9 issued under this chapter, unless then licensed therefor by the
10 commissioner.

11 2. Such a license may be issued only to natural persons, and the
12 commissioner shall not license any person found by him to be:

- 13 (a) Dishonest or untrustworthy;
14 (b) Financially irresponsible;
15 (c) Of unfavorable personal or business history or reputation; or
16 (d) For any other cause, reasonably unsuited for fulfillment of
17 the responsibilities of such a licensee.

18 3. The applicant for such a license must file his written
19 application therefor with the commissioner, on forms and
20 containing inquiries as designated and required by the
21 commissioner. The application must **include the social security**
22 **number of the applicant and** be endorsed by the holder of the
23 permit under which the securities are proposed to be sold. The
24 application must be accompanied by the fingerprints of the
25 applicant on forms furnished by the commissioner, and by the
26 application fee specified in NRS 680B.010. The commissioner shall
27 promptly cause an investigation to be made of the identity and
28 qualifications of the applicant.

29 4. The license, if issued, must be for the period of the permit,
30 and must automatically be extended if the permit is extended.

31 5. The commissioner shall revoke the license if at any time
32 after issuance he has found that the license was obtained through
33 misrepresentation or concealment of facts, or that the licensee is no
34 longer qualified therefor, or that the licensee has misrepresented the
35 securities offered, or has otherwise conducted himself in or with
36 respect to transactions under the license in a manner injurious to the
37 permit holder or to subscribers or prospects or the public.

38 6. This section does not apply to securities broker-dealers
39 registered as such under the Securities Exchange Act of 1934, or
40 with respect to securities the sale of which is underwritten, other
41 than on a best efforts basis, by such a broker-dealer.

42 7. With respect to solicitation of subscriptions to or purchase of
43 securities covered by a solicitation permit issued by the

1 commissioner, the license required by this section is in lieu of a
2 license or permit otherwise required of the solicitor under any other
3 law of this state.

4 Sec. 509.4. NRS 696A.260 is hereby amended to read as
5 follows:

6 696A.260 1. An application for a license as a club agent must
7 be submitted to the commissioner upon forms prescribed and
8 furnished by him. *If the applicant is a natural person, the*
9 *application must include the social security number of the*
10 *applicant.* As a part of, or in connection with, any application, the
11 applicant shall furnish information concerning his identity, personal
12 history, experience, business record and other pertinent facts which
13 the commissioner may reasonably require.

14 2. If the applicant is a firm, partnership or corporation, the
15 application, in addition to the requirements of subsection 1, shall:

16 (a) Contain the names of all members and officers of the firm,
17 partnership or corporation; and

18 (b) Designate who is to exercise the powers to be conferred by
19 the license on the firm, partnership or corporation.

20 3. The commissioner shall require each natural person of a
21 firm, partnership or corporation to furnish information to him as
22 though applying for an individual license.

23 4. Any person willfully misrepresenting any fact required to be
24 disclosed in any application is subject to the penalties provided in
25 NRS 696A.350.

26 Sec. 511. 1. *A natural person who applies for the issuance*
27 *or renewal of a bail agent's, general agent's, bail enforcement*
28 *agent's or bail solicitor's license shall submit to the commissioner*
29 *the statement prescribed by the welfare division of the department*
30 *of human resources pursuant to section 3 of this act. The*
31 *statement must be completed and signed by the applicant.*

32 2. *The commissioner shall include the statement required*
33 *pursuant to subsection 1 in:*

34 (a) *The application or any other forms that must be submitted*
35 *for the issuance or renewal of the license; or*

36 (b) *A separate form prescribed by the commissioner.*

37 3. *A bail agent's, general agent's, bail enforcement agent's or*
38 *bail solicitor's license may not be issued or renewed by the*
39 *commissioner if the applicant is a natural person who:*

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

42 (b) *Indicates on the statement submitted pursuant to*
43 *subsection 1 that he is subject to a court order for the support of a*

1 *child and is not in compliance with the order or a plan approved*
2 *by the district attorney or other public agency enforcing the order*
3 *for the repayment of the amount owed pursuant to the order.*

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

13 *Sec. 512. 1. If the commissioner receives a copy of a court*
14 *order issued pursuant to section 3.4 of this act that provides for*
15 *the suspension of all professional, occupational and recreational*
16 *licenses, certificates and permits issued to a person who is the*
17 *holder of a bail agent's, general agent's, bail enforcement agent's*
18 *or bail solicitor's license, the commissioner shall deem the license*
19 *issued to that person to be suspended at the end of the 30th day*
20 *after the date on which the court order was issued unless the*
21 *commissioner receives a letter issued to the holder of the license*
22 *by the district attorney or other public agency pursuant to section*
23 *3.6 of this act stating that the holder of the license has complied*
24 *with the subpoena or warrant or has satisfied the arrearage*
25 *pursuant to section 3.8 of this act.*

26 *2. The commissioner shall reinstate a bail agent's, general*
27 *agent's, bail enforcement agent's or bail solicitor's license that*
28 *has been suspended by a district court pursuant to section 3.4 of*
29 *this act if the commissioner receives a letter issued by the district*
30 *attorney or other public agency pursuant to section 3.6 of this act*
31 *to the person whose license was suspended stating that the person*
32 *whose license was suspended has complied with the subpoena or*
33 *warrant or has satisfied the arrearage pursuant to section 3.8 of*
34 *this act.*

35 *Sec. 513. NRS 697.180 is hereby amended to read as follows:*

36 *697.180 1. A written application for a license as a bail agent,*
37 *general agent, bail enforcement agent or bail solicitor must be filed*
38 *with the commissioner by the applicant, accompanied by the*
39 *applicable fees. The application form must include the social*
40 *security number of the applicant and be accompanied by the*
41 *applicant's fingerprints, and must require full answers to questions*
42 *reasonably necessary to determine the applicant's:*

43 *(a) Identity and residence.*

1 (b) Business record or occupations for not less than the 2 years
2 immediately preceding the date of the application, with the name
3 and address of each employer, if any.

4 (c) Prior criminal history, if any.

5 2. The commissioner may require the submission of such other
6 information as may be required to determine the applicant's
7 qualifications for the license for which he applied.

8 3. The applicant must verify his application. An applicant for a
9 license under this chapter shall not knowingly misrepresent or
10 withhold any fact or information called for in the application form
11 or in connection therewith.

12 Sec. 514. NRS 697.230 is hereby amended to read as follows:

13 697.230 1. Except as otherwise provided in section 9 of ~~this~~
14 ~~act.~~ ***Senate Bill No. 194 of this session***, each license issued to a
15 general agent, bail agent, bail enforcement agent or bail solicitor
16 under this chapter continues in force for 3 years unless it is
17 suspended, revoked or otherwise terminated. A license may be
18 renewed upon payment of the applicable fee for renewal to the
19 commissioner on or before the last day of the month in which the
20 license is renewable. The fee must be accompanied by:

21 (a) Proof that the licensee has completed a 3-hour program of
22 continuing education that is:

23 (1) Offered by the authorized surety insurer from whom he
24 received his written appointment, if any, a state or national
25 organization of bail agents or another organization that administers
26 training programs for general agents, bail agents, bail enforcement
27 agents or bail solicitors; and

28 (2) Approved by the commissioner; ~~and~~

29 (b) ***If the licensee is a natural person, the statement required***
30 ***pursuant to section 511 of this act; and***

31 (c) A written request for renewal of the license. The request must
32 be made and signed:

33 (1) By the licensee in the case of the renewal of a license as a
34 general agent, bail enforcement agent or bail agent.

35 (2) By the bail solicitor and the bail agent who employs the
36 solicitor in the case of the renewal of a license as a bail solicitor.

37 2. Any license that is not renewed on or before the last day
38 specified for its renewal expires at midnight on that day. The
39 commissioner may accept a request for renewal received by him
40 within 30 days after the date of expiration if the request is
41 accompanied by a fee for renewal of 150 percent of the fee
42 otherwise required ~~and~~ ***and, if the person requesting renewal is a***

1 *natural person, the statement required pursuant to section 511 of*
2 *this act.*

3 3. A bail agent's license continues in force while there is in
4 effect an appointment of him as a bail agent of one or more
5 authorized insurers. Upon termination of all the bail agent's
6 appointments and his failure to replace any appointment within 30
7 days thereafter, his license expires and he shall promptly deliver his
8 license to the commissioner.

9 4. The commissioner shall terminate the license of a general
10 agent for a particular insurer upon a written request by the insurer.

11 5. This section does not apply to temporary licenses issued
12 under section 9 of ~~{this act}~~ *Senate Bill No. 194 of this session* or
13 NRS 683A.300.

14 Sec. 515. Section 36 of chapter 512, Statutes of Nevada 1995,
15 at page 1705, is hereby amended to read as follows:

16 Sec. 36. Section 9 of this act is hereby amended to read as
17 follows:

18 Sec. 9. 1. An applicant for a certificate of registration to
19 practice as a registered interior designer must be of good moral
20 character and submit to the board:

21 (a) An application on a form provided by the board;

22 (b) The fees required pursuant to NRS 623.310;

23 (c) The statement required pursuant to section 214 of ~~{this~~
24 ~~act;}~~ *chapter 483, Statutes of Nevada 1997;*

25 (d) Proof which is satisfactory to the board that he has
26 completed:

27 (1) At least 5 years of education in a program of interior
28 design or an equivalent number of credits and at least 1 year of
29 experience in interior design; *or*

30 (2) At least 4 years of education in a program of interior
31 design or an equivalent number of credits and at least 2 years
32 of experience in interior design;

33 ~~{(3) At least 3 years of education in a program of interior~~
34 ~~design or an equivalent number of credits and at least 3 years~~
35 ~~of experience in interior design;~~

36 ~~—(4) At least 2 years of education in a program of interior~~
37 ~~design or an equivalent number of credits and at least 4 years~~
38 ~~of experience in interior design; or~~

39 ~~—(5) At least 6 consecutive years of experience in the~~
40 ~~practice of interior design;}~~ and

41 (e) A certificate issued by the National Council for Interior
42 Design Qualification as proof that he has passed the
43 examination prepared and administered by that organization.

2. Each program of interior design must be accredited by the Foundation for Interior Design Education Research or approved by the board.

3. The board shall, by regulation, adopt the standards of the National Council for Interior Design Qualification for the experience and equivalent credits required pursuant to subsection 1 as those standards exist on the date of the adoption of the regulation.

4. Any application submitted to the board may be denied for any violation of the provisions of this chapter.

Sec. 518. The amendatory provisions of sections 1 to ~~4, inclusive, and~~ **4.5, inclusive**, 6 to ~~516, 16, inclusive, 17 to 21, inclusive, 22 to 167, inclusive, 168 to 172, inclusive, 173 to 193, inclusive, 194 to 507, inclusive, 508, 509 to 509.3, inclusive, and 509.4 to 516.1,~~ inclusive, of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

2. Are in arrears in the payment for the support of one or more children,
are repealed by the Congress of the United States.

Sec. 519. 1. This section and sections **16.5, 21.5, 167.5, 172.5, 193.5, 507.5, 508.5 and 509.35 of this act become effective on September 30, 1997.**

2. Sections 1 to ~~5, 4, inclusive, 5, 6 to 16, inclusive, 17 to 21, inclusive, 22 to 109, inclusive, 111, 112, 114 to 118, inclusive, 121 to 131, inclusive, 133, 136 to 167, inclusive, 168 to 172, inclusive, 173 to 183, inclusive, 184.2 to 193, inclusive, 194 to 216, inclusive, 218, 221 to 235, 230, inclusive, 233, 234, 235, 238 to 250, inclusive, 255 to 275, inclusive, 278 to 290, inclusive, 292 to 405, inclusive, 407 to 514, inclusive,~~ **4, inclusive, 5, 6 to 16, inclusive, 17 to 21, inclusive, 22 to 109, inclusive, 111, 112, 114 to 118, inclusive, 121 to 131, inclusive, 133, 136 to 167, inclusive, 168 to 172, inclusive, 173 to 183, inclusive, 184.2 to 193, inclusive, 194 to 216, inclusive, 218, 221 to 230, inclusive, 233, 234, 235, 238 to 250, inclusive, 255 to 275, inclusive, 278 to 290, inclusive, 292 to 405, inclusive, 407 to 495, inclusive, 497, 499 to 507, inclusive, 508, 509 to 509.3, inclusive, 509.4 to 512, inclusive,** 516, 517 and 518 of this act become effective on October 1, 1997.

~~2, 3.~~ Sections **4.5**, 110, ~~113, 119, 120, 184,~~ 217, 219, 220, 231, 236, 237, **251, 254,** 276, 291, 406 ~~and~~ **, 496, 498, 513, 514,** 515 **and 516.1** of this act become effective at 12:01 a.m. on October 1, 1997.

1 ~~[3.]~~ 4. Sections **113**, 132, 134 and 135 of this act become
2 effective at 12:02 a.m. on October 1, 1997.

3 ~~[4.]~~ 5. Section 5.5 of this act becomes effective on the date on
4 which the provisions of 42 U.S.C. § 666 requiring each state to
5 establish procedures under which the state has authority to withhold
6 or suspend, or to restrict the use of professional, occupational and
7 recreational licenses of persons who:

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

11 (b) Are in arrears in the payment for the support of one or more
12 children,

13 are repealed by the Congress of the United States.

14 2. Chapter 483, Statutes of Nevada 1997, at page 2036, is hereby
15 amended by adding thereto a new section to be designated as section 16.5,
16 immediately following section 16, to read as follows:

17 Sec. 16.5. NRS 90.350 is hereby amended to read as follows:

18 90.350 1. An applicant for licensing as a broker-dealer, sales
19 representative, investment adviser or representative of an
20 investment adviser ~~[shall]~~ **must** file with the administrator an
21 application for licensing and a consent to service of process
22 pursuant to NRS 90.770 and pay the fee required by NRS 90.360.
23 The application for licensing must contain the information the
24 administrator determines by regulation to be necessary and
25 appropriate to facilitate the administration of this chapter.

26 2. The requirements of subsection 1 are satisfied by an
27 applicant who has filed and maintains a completed and current
28 registration with the Securities and Exchange Commission or a self-
29 regulatory organization if the information contained in that
30 registration is readily available to the administrator through a
31 central depository system approved by him. Such an applicant must
32 also file a notice with the administrator in the form and content
33 determined by the administrator by regulation and a consent to
34 service of process pursuant to NRS 90.770 and the fee required by
35 NRS 90.360. The administrator, by order, may require the
36 submission of additional information by an applicant.

37 3. Chapter 483, Statutes of Nevada 1997, at page 2040, is hereby
38 amended by adding thereto a new section to be designated as section 21.5,
39 immediately following section 21, to read as follows:

40 Sec. 21.5. NRS 122.062 is hereby amended to read as follows:

41 122.062 1. Any licensed or ordained minister in good
42 standing within his denomination, whose denomination, governing
43 body and church, or any of them, are incorporated or organized or

1 established in ~~{the State of Nevada,}~~ **this state**, may join together as
2 husband and wife persons who present a marriage license obtained
3 from any county clerk of the state, if ~~{such}~~ **the** minister first obtains
4 a certificate of permission to perform marriages as provided in this
5 section and NRS 122.064 to 122.073, inclusive. The fact that a
6 minister is retired does not disqualify him from obtaining a
7 certificate of permission to perform marriages if, before his
8 retirement, he had active charge of a congregation within this state
9 for a period of at least 3 years.

10 2. A temporary replacement for a licensed or ordained minister
11 certified pursuant to this section and NRS 122.064 to 122.073,
12 inclusive, may solemnize marriages pursuant to subsection 1 during
13 such time as he may be authorized to do so by the county clerk in
14 the county in which he is a temporary replacement, for a period not
15 to exceed 90 days. The minister whom he temporarily replaces shall
16 provide him with a written authorization which states the period
17 during which it is effective.

18 3. Any chaplain who is assigned to duty in this state by the
19 Armed Forces of the United States may solemnize marriages ~~{}~~ if
20 he obtains a certificate of permission to perform marriages from the
21 county clerk of the county in which his duty station is located. The
22 county clerk shall issue such a certificate to a chaplain upon proof
23 by him of his military status as a chaplain and of his assignment.

24 4. A county clerk may authorize a licensed or ordained minister
25 whose congregation is in another state to perform marriages in the
26 county ~~{}~~ if the county clerk satisfies himself that the minister is in
27 good standing with his denomination or church. The authorization
28 must be in writing and need not be filed with any other public
29 officer. A separate authorization is required for each marriage
30 performed. Such a minister may perform not more than five
31 marriages in this state in any calendar year.

32 4. Chapter 483, Statutes of Nevada 1997, at page 2090, is hereby
33 amended by adding thereto a new section to be designated as section 167.5,
34 immediately following section 167, to read as follows:

35 Sec. 167.5. NRS 544.070 is hereby amended to read as
36 follows:

37 544.070 As used in NRS 544.070 to 544.240, inclusive, unless
38 the context requires otherwise:

39 1. "Director" means the director of the state department of
40 conservation and natural resources.

41 2. "Operation" means ~~{the}~~ :

1 (a) *The* performance of weather modification and control
2 activities pursuant to a single contract entered into for the purpose
3 of producing, or attempting to produce, a certain modifying effect
4 within one geographical area over one continuing time interval not
5 exceeding 1 year ~~[-or, if] ; or~~

6 (b) *If* the performance of weather modification and control
7 activities is to be undertaken individually or jointly by a person or
8 persons to be benefited and not undertaken pursuant to a contract,
9 ~~["operation" means]~~ *the* performance of weather modification and
10 control activities entered into for the purpose of producing, or
11 attempting to produce, a certain modifying effect within one
12 geographical area over one continuing time interval not exceeding 1
13 year.

14 3. "Research and development" means theoretical analysis,
15 exploration and experimentation and the extension of investigative
16 findings and theories of a scientific or technical nature into practical
17 application for experimental and demonstration purposes, including
18 the experimental production and testing of models, devices,
19 equipment, materials and processes.

20 4. "Weather modification and control" means changing or
21 controlling, or attempting to change or control, by artificial methods
22 the natural development of any or all atmospheric cloud forms or
23 precipitation forms which occur in the troposphere.

24 5. Chapter 483, Statutes of Nevada 1997, at page 2092, is hereby
25 amended by adding thereto a new section to be designated as section 172.5,
26 immediately following section 172, to read as follows:

27 Sec. 172.5. NRS 555.2605 is hereby amended to read as
28 follows:

29 555.2605 As used in NRS 555.2605 to 555.460, inclusive,
30 *unless the context otherwise requires*, the words and terms defined
31 in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed
32 to them in ~~[such sections unless the context otherwise requires.]~~
33 *those sections*.

34 6. Chapter 483, Statutes of Nevada 1997, at page 2101, is hereby
35 amended by adding thereto a new section to be designated as section 193.5,
36 immediately following section 193, to read as follows:

37 Sec. 193.5. NRS 587.290 is hereby amended to read as
38 follows:

39 587.290 As used in NRS 587.290 to 587.450, inclusive, *unless*
40 *the context otherwise requires*, "agricultural products" includes
41 horticultural, viticultural, dairy, bee and ~~[any and all]~~ farm products.

1 7. Chapter 483, Statutes of Nevada 1997, at page 2203, is
2 hereby amended by adding thereto a new section to be designated as
3 section 507.5, immediately following section 507, to read as
4 follows:

5 Sec. 507.5. NRS 692B.070 is hereby amended to read as
6 follows:

7 692B.070 1. ~~{Written}~~ A written application for any permit
8 required under NRS 692B.040 ~~{shall}~~ must be filed with the
9 commissioner. The application ~~{shall show,}~~ must include or be
10 accompanied by:

11 (a) The name, type and purposes of the insurer, corporation,
12 syndicate, association, firm or organization formed or proposed to
13 be formed or financed;

14 (b) The name, residence address, business background and
15 experience for the preceding 10 years and qualifications of each
16 person associated or to be associated as incorporator, director,
17 promoter, manager or in other similar capacity in the enterprise, or
18 in the formation of the proposed insurer, corporation, syndicate,
19 association, firm or organization, or in the proposed financing,
20 together with the fingerprints of each individual so associated or to
21 be associated, on forms furnished by the commissioner;

22 (c) A full disclosure of the terms of all pertinent understandings
23 and agreements existing or proposed among any ~~{individuals}~~
24 persons or entities so associated or to be associated, and a copy of
25 each such agreement;

26 (d) Executed quadruplicate originals of the articles of
27 incorporation of a proposed domestic stock or mutual insurer;

28 (e) The original and one copy of the proposed bylaws of a
29 proposed domestic stock or mutual insurer;

30 (f) The plan according to which solicitations are to be made ~~{}~~
31 and a reasonably detailed estimate of all organization and sales
32 expenses to be incurred in the proposed organization and offering;

33 (g) A copy of any security, receipt or certificate proposed to be
34 offered, and a copy of any proposed subscription agreement or
35 application therefor;

36 (h) A copy of any prospectus, offering circular, advertising or
37 sales literature or material proposed to be used;

38 (i) A copy of the proposed form of any escrow agreement
39 required;

40 (j) A copy of:

41 (1) The articles of incorporation of any corporation, other than
42 a proposed domestic insurer, proposing to offer its securities,
43 certified by the public officer having custody of the original thereof;

1 (2) Any syndicate, association, firm, organization or other
2 similar agreement, by whatever name called, if funds for any of the
3 purposes referred to in subsection 1 of NRS 692B.040 are to be
4 secured through the sale of any security, interest or right in or
5 relative to such syndicate, association, firm or organization; and

6 (3) If the insurer is, or is to be, a reciprocal insurer, the power
7 of attorney and of other agreements existing or proposed affecting
8 subscribers, investors, the attorney in fact or the insurer; and

9 (k) Such additional pertinent information as the commissioner
10 may reasonably require.

11 2. The application ~~{shall}~~ **must** be accompanied by a deposit of
12 the fees required under NRS 680B.010 ~~{(fee-schedule)}~~ for the
13 filing of the application and for issuance of the permit, if granted.

14 3. In lieu of a special filing thereof of information ~~{called for~~
15 ~~in}~~ **required by** subsection 1, the commissioner may ~~{, in his~~
16 ~~discretion,}~~ accept a copy of any pertinent filing made with the
17 Securities and Exchange Commission relative to the same offering.

18 8. Chapter 483, Statutes of Nevada 1997, at page 2204, is hereby
19 amended by adding thereto a new section to be designated as section 508.5,
20 immediately following section 508, to read as follows:

21 Sec. 508.5. NRS 692B.190 is hereby amended to read as
22 follows:

23 692B.190 1. No person ~~{shall}~~ **may** in this state solicit
24 subscription to or purchase of any security covered by a solicitation
25 permit issued under this chapter, unless then licensed therefor by
26 the commissioner.

27 2. Such a license ~~{shall}~~ **may** be issued only to ~~{individuals,}~~
28 **natural persons**, and the commissioner shall not license any
29 ~~{individual}~~ **person** found by him to be:

30 (a) Dishonest or untrustworthy;
31 (b) Financially irresponsible;
32 (c) Of unfavorable personal or business history or reputation; or
33 (d) For any other cause, reasonably unsuited for fulfillment of
34 the responsibilities of such a licensee.

35 3. The applicant for such a license ~~{shall}~~ **must** file his written
36 application therefor with the commissioner, on forms and
37 containing inquiries as designated and required by the
38 commissioner. The application ~~{shall}~~ **must** be endorsed by the
39 holder of the permit under which the securities are proposed to be
40 sold. The application ~~{shall}~~ **must** be accompanied by the
41 fingerprints of the applicant on forms furnished by the
42 commissioner, and by the application fee specified in NRS
43 680B.010 . ~~{(fee-schedule)}~~ The commissioner shall promptly

1 cause an investigation to be made of the identity and qualifications
2 of the applicant.

3 4. The license, if issued, ~~{shall}~~ **must** be for the period of the
4 permit, and ~~{shall}~~ **must** automatically be extended if the permit is
5 extended.

6 5. The commissioner shall revoke the license if at any time
7 after issuance he has found that the license was obtained through
8 misrepresentation or concealment of facts, or that the licensee is no
9 longer qualified therefor, or that the licensee has misrepresented the
10 securities offered, or has otherwise conducted himself in or with
11 respect to transactions under the license in a manner injurious to the
12 permit holder or to subscribers or prospects or the public.

13 6. This section does not apply to securities broker-dealers
14 registered as such under the Securities Exchange Act of 1934, or
15 with respect to securities the sale of which is underwritten, ~~{or}~~ other
16 than on a best efforts basis, ~~{or}~~ by such a broker-dealer.

17 7. With respect to solicitation of subscriptions to or purchase of
18 securities covered by a solicitation permit issued by the
19 commissioner, the license required by this section is in lieu of a
20 license or permit otherwise required of the solicitor under any other
21 law of this state.

22 9. Chapter 483, Statutes of Nevada 1997, at page 2206, is hereby
23 amended by adding thereto a new section to be designated as section
24 509.35, immediately following section 509.3, to read as follows:

25 Sec. 509.35. NRS 696A.260 is hereby amended to read as
26 follows:

27 696A.260 1. ~~{Application}~~ **An application** for a license as a
28 club agent ~~{shall be made}~~ **must be submitted** to the commissioner
29 upon forms prescribed and furnished by him. As a part of, or in
30 connection with, any application, the applicant shall furnish
31 information concerning his identity, personal history, experience,
32 business record and other pertinent facts which the commissioner
33 may reasonably require.

34 2. If the applicant is a firm, partnership or corporation, the
35 application, in addition to the requirements of subsection 1, shall:

36 (a) Contain the names of all members and officers of the firm,
37 partnership or corporation; and

38 (b) Designate who is to exercise the powers to be conferred by
39 the license on ~~{such}~~ **the** firm, partnership or corporation.

40 3. The commissioner shall require each ~~{individual}~~ **natural**
41 **person** of a firm, partnership or corporation to furnish information
42 to him as though applying for an individual license.

1 4. Any person willfully misrepresenting any fact required to be
2 disclosed in any application ~~{shall be}~~ **is** subject to the penalties
3 provided in NRS 696A.350.

4 10. Chapter 483, Statutes of Nevada 1997, at page 2211, is hereby
5 amended by adding thereto a new section to be designated as section 516.1,
6 immediately following section 516, to read as follows:

7 Sec. 516.1. Section 18.5 of chapter 603, Statutes of Nevada
8 1997, at page 3027, is hereby amended to read as follows:

9 Sec. 18.5. Chapter 684A of NRS is hereby amended by
10 adding thereto a new section to read as follows:

11 1. The commissioner may issue a limited license to an
12 adjuster licensed in an adjoining state who has contracted with a
13 domestic insurer that has its principal place of business in this
14 state to adjust and pay claims on business written in this state. A
15 limited license issued pursuant to this section is valid for 3 years
16 or the term of the contract between the adjuster and domestic
17 insurer, whichever is shorter.

18 2. *If the applicant for a limited license issued pursuant to*
19 *this section is a natural person, the application must include*
20 *the social security number of the applicant.*

21 3. An adjuster who holds a limited license issued pursuant to
22 this section may adjust claims in this state only pursuant to his
23 contract with the domestic insurer.

24 ~~{3.}~~ 4. A domestic insurer who contracts with an adjuster to
25 whom a limited license has been issued pursuant to this section
26 shall maintain in its principal place of business in this state the
27 records of its closed files upon which the adjuster worked.

28 ~~{4.}~~ 5. Notwithstanding the provisions of NRS 684A.170, an
29 adjuster who is issued a limited license pursuant to this section is
30 not required to maintain an office or place of business in this
31 state.

32 **Sec. 58.** Section 6 of chapter 485, Statutes of Nevada 1997, at page
33 2215, is hereby amended to read as follows:

34 Sec. 6. *If an express written warranty is provided to a retail*
35 *customer for a used vehicle pursuant to section 5 of this act, the*
36 *duration of the warranty must be determined pursuant to this*
37 *section. If, on the date the vehicle was purchased from the used*
38 *vehicle dealer, the odometer in the used vehicle registered:*

39 1. *At least 75,000 but less than 80,001 miles, the warranty is*
40 *valid for a period of 30 days therefrom or until the odometer in*
41 *the vehicle registers 1,000 miles more than on the date the vehicle*
42 *was purchased from the used vehicle dealer, whichever occurs*
43 *earlier.*

1 2. *At least 80,001 but less than 85,001 miles, the warranty is*
2 *valid for a period of 20 days therefrom or until the odometer in*
3 *the vehicle registers 600 miles more than on the date the vehicle*
4 *was purchased from the used vehicle dealer, whichever occurs*
5 *earlier.*

6 3. *At least 85,001 but less than 90,001 miles, the warranty is*
7 *valid for a period of 10 days therefrom or until the odometer in*
8 *the vehicle registers 300 miles more than on the date the vehicle*
9 *was purchased from the used vehicle dealer, whichever occurs*
10 *earlier.*

11 4. *At least 90,001 but less than 100,001 miles, the warranty is*
12 *valid for a period of 5 days therefrom or until the odometer in the*
13 *vehicle registers 150 miles more than on the date the vehicle was*
14 *purchased from the used vehicle dealer, whichever occurs earlier.*

15 5. *At least 100,001 miles, the warranty is valid for a period of*
16 *2 days therefrom or until the odometer in the vehicle registers 100*
17 *miles more than on the date the vehicle was purchased from the*
18 *used vehicle dealer, whichever occurs earlier.*

19 *The period for which a warranty is valid pursuant to this section*
20 *must be tolled during any period in which the dealer has*
21 *possession of the vehicle or the operation of the vehicle is*
22 *impaired and the vehicle is inoperable due to a defect in the*
23 *vehicle's engine or drivetrain.*

24 **Sec. 59.** 1. Sections 24.8, 74, 151, 320 and 325 of chapter 489,
25 Statutes of Nevada 1997, at pages 2232, 2243, 2287, 2351 and 2353,
26 respectively, are hereby amended to read respectively as follows:

27 Sec. 24.8. 1. *The chief of the program for the enforcement*
28 *of child support of the welfare division or his designee may*
29 *enforce a court order for the support of a child against the*
30 *parents of a noncustodial parent of a child if:*

31 (a) *The custodial parent and noncustodial parent of the child*
32 *are both less than 18 years of age; and*

33 (b) *The custodial parent of the child is a member of a*
34 *household that is receiving benefits.*

35 2. *If the chief or his designee enforces a court order against*
36 *the parents of a noncustodial parent pursuant to subsection 1, the*
37 *parents of the noncustodial parent are jointly and severally liable*
38 *for the payments required pursuant to the order.*

39 Sec. 74. 1. *The chief may request the following information*
40 *to carry out the provisions of this chapter:*

41 (a) *The records of the following public officers and state,*
42 *county and local agencies:*

43 (1) *The state registrar of vital statistics;*

1 (2) *Agencies responsible for maintaining records relating to*
2 *state and local taxes and revenue;*

3 (3) *Agencies responsible for keeping records concerning*
4 *real property and personal property for which a title must be*
5 *obtained;*

6 (4) *All boards, commissions and agencies that issue*
7 *occupational or professional licenses, certificates or permits;*

8 (5) *The secretary of state;*

9 (6) *The employment security division of the department of*
10 *employment, training and rehabilitation;*

11 (7) *Agencies that administer public assistance;*

12 (8) *The department of motor vehicles and public safety;*

13 (9) *The department of prisons; and*

14 (10) *Law enforcement agencies and any other agencies that*
15 *maintain records of criminal history.*

16 (b) *The names and addresses of:*

17 (1) *The customers of public utilities and community antenna*
18 *television companies; and*

19 (2) *The employers of the customers described in*
20 *subparagraph (1).*

21 (c) *Information in the possession of financial institutions*
22 *relating to the assets, liabilities and any other details of the*
23 *finances of a person.*

24 (d) *Information in the possession of a public or private*
25 *employer relating to the employment, compensation and benefits*
26 *of a person employed by the employer as an employee or*
27 *independent contractor.*

28 2. *If a person or other entity fails to supply the information*
29 *requested pursuant to subsection 1, the administrator may issue a*
30 *subpoena to compel the person or entity to provide that*
31 *information. A person or entity who fails to comply with a request*
32 *made pursuant to subsection 1 is subject to a civil penalty not to*
33 *exceed \$500 for each failure to comply.*

34 3. *A disclosure made in good faith pursuant to subsection 1*
35 *does not give rise to any action for damages for the disclosure.*

36 Sec. 151. NRS 122.040 is hereby amended to read as follows:

37 122.040 1. Before persons may be joined in marriage, a
38 license must be obtained for that purpose from the county clerk of
39 any county in the state. Except as otherwise provided in this
40 subsection, the license must be issued at the county seat of that
41 county. The board of county commissioners:

42 (a) In a county whose population is 400,000 or more may, at the
43 request of the county clerk, designate two branch offices of the

1 county clerk at which marriage licenses may be issued, if the
2 designated branch offices are located outside of the county seat.

3 (b) In a county whose population is less than 400,000 may, at the
4 request of the county clerk, designate one branch office of the
5 county clerk at which marriage licenses may be issued, if the
6 designated branch office is established in a county office building
7 which is located outside of the county seat.

8 2. Before issuing a marriage license, the county clerk may
9 require evidence that the applicant for the license is of age. The
10 county clerk shall accept a statement under oath by the applicant
11 and the applicant's parent, if available, that the applicant is of age.

12 3. The county clerk issuing the license shall require the
13 applicant to answer under oath each of the questions contained in
14 the form of license, and, if the applicant cannot answer positively
15 any questions with reference to the other person named in the
16 license, the clerk shall require both persons named in the license to
17 appear before him and to answer, under oath, the questions
18 contained in the form of license. *The county clerk shall require the*
19 *applicant to include his social security number and the social*
20 *security number of the other person named in the license on the*
21 *affidavit of application for the marriage license. If either person*
22 *does not have a social security number, the person responding to*
23 *the question must state that fact. The county clerk shall not*
24 *require any evidence to verify a social security number.* If any of
25 the information required is unknown to the person responding to the
26 question, he must state that the answer is unknown.

27 4. If any of the persons intending to marry ~~is~~ *are* under age
28 and ~~has~~ *have* not been previously married, and if the authorization
29 of a district court is not required, the clerk shall issue the license if
30 the consent of the parent or guardian is:

31 (a) Personally given before the clerk;

32 (b) Certified under the hand of the parent or guardian, attested
33 by two witnesses, one of whom must appear before the clerk and
34 make oath that he saw the parent or guardian subscribe his name to
35 the annexed certificate, or heard him or her acknowledge it; or

36 (c) In writing, subscribed to and acknowledged before a person
37 authorized by law to administer oaths. A facsimile of the
38 acknowledged writing must be accepted if the original is not
39 available.

40 5. If the authorization of a district court is required, the county
41 clerk shall issue the license if that authorization is given to him in
42 writing.

6. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

7. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 320. 1. NRS 422.007 ~~1, 422.370, 422.373 and 422.375~~ and 422.370 are hereby repealed.

2. NRS 31A.240, 31A.260, 425.3815, 425.3842 and 440.320 are hereby repealed.

3. NRS 31A.210, 31A.220, 31A.230, 130.010, 130.020, 130.030, 130.040, 130.041, 130.0411, 130.0412, 130.0413, 130.0414, 130.0415, 130.042, 130.0421, 130.0422, 130.0423, 130.0424, 130.0425, 130.043, 130.0431, 130.0432, 130.0433, 130.0434, 130.050, 130.060, 130.070, 130.080, 130.090, 130.100, 130.110, 130.115, 130.120, 130.130, 130.140, 130.150, 130.160, 130.180, 130.190, 130.200, 130.205, 130.207, 130.209, 130.210, 130.220, 130.230, 130.240, 130.245, 130.250, 130.260, 130.265, 130.280, 130.290, 130.305, 130.310, 130.320, 130.330, 130.340, 130.350, 130.360 and 130.370 are hereby repealed.

4. *NRS 422.373 and 422.375 and section 35 of chapter 550, Statutes of Nevada 1997, at page 2616, are hereby repealed.*

Sec. 325. 1. This section and sections 36.5, 112, ~~and~~ 319 and 319.1 of this act become effective on June 30, 1997.

2. Sections 1 to 6, inclusive, 10 to 15, inclusive, 30 ~~to 33, inclusive,~~, 32, 33, 35, 36, 40 to 43, inclusive, 102, 105.5, 106, 107, 113, 114, 283, 284, 308, 309, 321, 323.3, 323.7 and 324 of this act, and subsection 1 of section 320 of this act, become effective on July 1, 1997.

3. Sections 26, 28, 34, 37 and 39 of this act, *and subsection 4 of section 320 of this act*, become effective at 12:01 a.m. on July 1, 1997.

4. *Section 31 of this act becomes effective at 12:02 a.m. on July 1, 1997.*

5. For the purpose of adopting regulations and conducting any preliminary activities necessary to carry out the provisions of this act in a timely manner, the remaining provisions of this act become effective upon passage and approval. For all other purposes:

(a) Sections 44 to 82, inclusive, 83 to 88, inclusive, 89, 90, 91, 92, 93, 94, 95, 96 to 100, inclusive, 103, 104, 105, 108 to 111, inclusive, 115 to 126, inclusive, 127, 128, 129 to 133, inclusive, 134, 135, 136, 137, 138, 139 to 154, inclusive, 155, 156, 157, 158 to 172, inclusive, 173 to 183, inclusive, 184 to 190, inclusive,

190.5, 191, 192, 193, 194, 277 to 277.7, inclusive, 278.1 to 282, inclusive, 285 to 307, inclusive, 322 and 323 of this act, and subsection 2 of section 320 of this act, become effective on October 1, 1997.

(b) Sections 7, 8, 9, 16 to 25, inclusive, 82.5, 88.5, 90.5, 91.5, 92.5, 95.5, 126.5, 128.5, 133.5, 135.5, 136.5, 137.5, 138.5, 154.5, 157.5, 172.5, 183.5, 190.3, 192.5, 193.5, 195 to 276, inclusive, 278, 308.5 and 310 to 318, inclusive, of this act, and subsection 3 of section 320 of this act, become effective on January 1, 1998.

~~[5.]~~ **6.** Sections 123.5 and 277.1 of this act expire by limitation on January 1, 1998.

2. Chapter 489, Statutes of Nevada 1997, at page 2283, is hereby amended by adding thereto a new section to be designated as section 142.5, immediately following section 142, to read as follows:

Sec. 142.5. NRS 31A.270 is hereby amended to read as follows:

31A.270 NRS 31A.160 applies to all assignments of ~~[wages]~~ **income** pursuant to NRS 31A.250 to 31A.340, inclusive. The assignment:

1. Must be calculated in accordance with NRS 31.295.
2. May include the amount of the current support due and a payment on the arrearages if previously ordered by a court of competent jurisdiction.

3. Chapter 489, Statutes of Nevada 1997, at page 2351, is hereby amended by adding thereto a new section to be designated as section 319.1, immediately following section 319, to read as follows:

Sec. 319.1. Section 51 of chapter 550, Statutes of Nevada 1997, at page 2621, is hereby amended to read as follows:

Sec. 51. NRS 422.240 is hereby amended to read as follows:

422.240 1. Money to carry out the provisions of NRS ~~[422.070]~~ **422.001** to 422.410, inclusive, **422.580, and sections 16 to 29, inclusive, of this act**, including, without limitation, any federal money allotted to the State of Nevada pursuant to the program to provide temporary assistance for needy families and the program for child care and development, must be provided by appropriation by the legislature from the state general fund.

2. Disbursements for the purposes of NRS ~~[422.070]~~ **422.001** to 422.410, inclusive, **422.580, and sections 16 to 29, inclusive, of this act**, must be made upon claims duly filed, audited and allowed in the same manner as other money in the state treasury is disbursed.

1 **Sec. 60.** 1. Sections 2 and 6 of chapter 490, Statutes of Nevada
2 1997, at pages 2355 and 2358, respectively, are hereby amended to read
3 respectively as follows:

4 Sec. 2. NRS 388.368 is hereby amended to read as follows:

5 388.368 1. The state board ~~{of education shall adopt}~~, *in*
6 *consultation with the assisting agencies and the business*
7 *community that will be included in the partnerships established*
8 *pursuant to paragraph (a) of subsection 4, shall:*

9 (a) *Adopt* a comprehensive program to ~~{provide pupils with}~~
10 *offer pupils who are enrolled in grades 7 to 12, inclusive,* the skills
11 to make the transition from school to ~~{work. The state board of~~
12 ~~education shall develop, implement}~~ *careers; and*

13 (b) *Carry out* and review the program . ~~{with the assistance of~~
14 ~~the assisting agencies and the business community that will be~~
15 ~~included in the partnerships established pursuant to paragraph (a) of~~
16 ~~subsection 3.}~~

17 2. The program to provide pupils with the skills to make the
18 transition from school to ~~{work must}~~ *careers may* be designed to
19 achieve the following objectives:

20 (a) To provide ~~{all}~~ *the* pupils *participating in the program* with
21 an ~~{equal}~~ *equitable* opportunity to learn about and explore various
22 career options *of their choice* before the completion of middle
23 school.

24 (b) To ~~{provide}~~ *offer* career counseling for ~~{all pupils during~~
25 ~~the 9th and 10th grades.}~~ *interested pupils who are enrolled in*
26 *grades 7 to 12, inclusive.*

27 (c) To provide ~~{all}~~ *information concerning the program.*

28 (d) *To provide the* pupils *participating in the program* with an
29 ~~{equal}~~ *equitable* opportunity to achieve high academic standards
30 and to obtain training in occupations ~~{that earn high wages.~~
31 ~~—(d) To strengthen and expand}~~ *of their choice. If desired, a*
32 *pupil who has chosen to receive training in an occupation may*
33 *choose to receive training in another occupation of his choice, or*
34 *may terminate his participation in the program, without the loss*
35 *of credit, at such times as are allowed by the state board, but in no*
36 *case may a pupil be required to continue with the training or*
37 *participate in the program for more than one semester.*

38 (e) *To continue and enhance* existing technical and vocational
39 education programs *that are voluntary, including, without*
40 *limitation, programs* adopted pursuant to the Carl D. Perkins
41 Vocational and Applied Technology Education Act (20 U.S.C. §§
42 2301 et seq.).

43 ~~{(e) To adopt}~~

1 (f) *To allow* a system for ~~issuing~~ *awarding* certificates of
2 technical or vocational proficiency.

3 ~~[(f) To adopt a curriculum and a system to allow pupils and~~
4 ~~students] Such a certificate must not be awarded as a replacement~~
5 ~~for or in lieu of a high school diploma.~~

6 (g) *To allow pupils participating in the program* to participate
7 in educational activities in the workplace.

8 ~~[(g) To provide all pupils with programs of]~~

9 (h) *To offer pupils participating in the program* job training
10 and placement or programs for preparation for postsecondary
11 education during the 12th grade ~~[-~~

12 ~~-(h) To strengthen], or both.~~

13 (i) *To encourage* the relationship ~~between~~ *among* the business
14 community, ~~and~~ school districts *and universities and community*
15 *colleges within the University and Community College System of*
16 *Nevada* to promote job training and internships.

17 ~~[(i) To encourage]~~

18 (j) *To offer* statewide participation in the program ~~[-~~

19 ~~-(j) To meet the continuing educational and developmental needs~~
20 ~~of teachers and employees of the school district.] for pupils who~~
21 ~~are enrolled in grades 7 to 12, inclusive.~~

22 (k) *To encourage teachers and other educational personnel to*
23 *continue their educational development related to the program.*

24 (l) *To adopt* a process to evaluate the program and to integrate
25 improvements ~~into the program.] in compliance with the Family~~
26 *Educational Rights and Privacy Act (20 U.S.C. §§ 1232g et seq.).*
27 *To carry out the purposes of this paragraph, the state board may*
28 *adopt a system for evaluating participation in the program only to*
29 *produce aggregate statistical information needed to evaluate the*
30 *program, but not to ensure that a pupil completes job training for*
31 *a particular career. This paragraph does not prohibit the*
32 *collection of data necessary to carry out the provisions of NRS*
33 *389.015 and 389.017.*

34 3. *The program adopted by the state board must be designed*
35 *to offer an equitable opportunity for all pupils to participate in the*
36 *program, including, without limitation:*

37 (a) *Male and female pupils;*

38 (b) *Pupils who are of diverse racial, ethnic and cultural*
39 *backgrounds;*

40 (c) *Pupils whose primary language is not English;*

41 (d) *Pupils who have disabilities;*

42 (e) *Pupils who are gifted and talented;*

43 (f) *Pupils who are at high risk of dropping out of school; and*

1 *(g) Pupils who are disadvantaged, economically or otherwise.*

2 4. To be eligible to receive funding for and to participate in the
3 program established pursuant to this section, a school district or a
4 *university or* community college *within the University and*
5 *Community College System of Nevada* must submit to the state
6 board ~~{of education}~~ an application that includes:

7 (a) A description of the partnership between the school district ,
8 *university* or community college and the business community that
9 will be established to carry out the program adopted pursuant to this
10 section. The partnership must consist of employers, representatives
11 of local educational agencies, local postsecondary educational
12 institutions, representatives of labor organizations, pupils, parents
13 and persons representing rehabilitation, employment and training
14 services.

15 (b) A plan that describes how the partnership will carry out the
16 objectives of the program, including specific requirements for
17 periodic review and approval by the members of the partnership
18 representing the business community of the means of obtaining
19 those objectives. The members of the partnership who perform the
20 periodic review shall make a determination of whether the program
21 is actually improving the skills of the participants to make the
22 transition from school to ~~{work.}~~ *careers*. The members of the
23 partnership who perform the periodic review must include
24 employers who are likely to hire pupils who complete the program
25 as well as other employers who are active in the establishment of
26 programs for job training and placement.

27 (c) A description of an annual evaluation to be conducted by the
28 partnership and used to measure the success of the program. The
29 results of the evaluation must be submitted to the state board ~~{of~~
30 ~~education}~~ and contain specific comments from the members of the
31 partnership representing the business community regarding the
32 effectiveness of the program in producing pupils who are ready for
33 employment in the workplace.

34 (d) Other information the state board ~~{of education}~~ may require
35 to determine the eligibility of the school district to participate in the
36 program.

37 ~~{4.}~~ 5. The state board ~~{of education, after}~~ , *in* consultation
38 with the assisting agencies ~~{, shall submit}~~ *and the business*
39 *community that will be included in the partnerships established*
40 *pursuant to paragraph (a) of subsection 4, shall:*

41 *(a) Make a determination on an application that is submitted*
42 *pursuant to this section.*

1 **(b) Submit** a report containing its findings, conclusions and
2 recommendations regarding the program adopted pursuant to this
3 section to each **regular** session of the legislature ~~[-~~
4 ~~5.] on or before February 1 of each odd-numbered year.~~

5 **6.** As used in this section, “assisting agencies” means the
6 commission on economic development, the department of
7 employment, training and rehabilitation, the welfare division of the
8 department of human resources ~~[-, the department of information~~
9 ~~technology, the state industrial insurance system, the division of~~
10 ~~state library and archives of the department of museums, library and~~
11 ~~arts]~~ and the University and Community College System of Nevada.

12 Sec. 6. 1. This section and sections 1, ~~[2,]~~ 2.5 and 4 of this
13 act become effective on July 1, 1997.

14 2. **Sections 2 and 2.7 of this act become effective at 12:01**
15 **a.m. on July 1, 1997.**

16 **3.** Sections 3 and 5 of this act become effective on July 1,
17 2003.

18 2. Chapter 490, Statutes of Nevada 1997, at page 2357, is hereby
19 amended by adding thereto a new section to be designated as section 2.7,
20 immediately following section 2.5, to read as follows:

21 Sec. 2.7. Section 39 of chapter 480, Statutes of Nevada 1997,
22 at page 1866, is hereby amended to read as follows:

23 Sec. 39. NRS 388.368 is hereby amended to read as follows:

24 388.368 1. The state board, in consultation with the
25 assisting agencies and the business community that will be
26 included in the partnerships established pursuant to paragraph (a)
27 of subsection 4, shall:

28 (a) Adopt a comprehensive program to offer pupils who are
29 enrolled in grades 7 to 12, inclusive, the skills to make the
30 transition from school to careers; and

31 (b) Carry out and review the program.

32 2. The program to provide pupils with the skills to make the
33 transition from school to careers may be designed to achieve the
34 following objectives:

35 (a) To provide the pupils participating in the program with an
36 equitable opportunity to learn about and explore various career
37 options of their choice before the completion of middle school.

38 (b) To offer career counseling for interested pupils who are
39 enrolled in grades 7 to 12, inclusive.

40 (c) To provide information concerning the program.

41 (d) To provide the pupils participating in the program with an
42 equitable opportunity to achieve high academic standards and to
43 obtain training in occupations of their choice. If desired, a pupil

1 who has chosen to receive training in an occupation may choose
2 to receive training in another occupation of his choice, or may
3 terminate his participation in the program, without the loss of
4 credit, at such times as are allowed by the state board, but in no
5 case may a pupil be required to continue with the training or
6 participate in the program for more than one semester.

7 (e) To continue and enhance existing technical and vocational
8 education programs that are voluntary, including, without
9 limitation, programs adopted pursuant to the Carl D. Perkins
10 Vocational and Applied Technology Education Act (20 U.S.C.
11 §§ 2301 et seq.).

12 (f) To allow a system for awarding certificates of technical or
13 vocational proficiency. Such a certificate must not be awarded as
14 a replacement for or in lieu of a high school diploma.

15 (g) To allow pupils participating in the program to participate
16 in educational activities in the workplace.

17 (h) To offer pupils participating in the program job training
18 and placement or programs for preparation for postsecondary
19 education during the 12th grade, or both.

20 (i) To encourage the relationship among the business
21 community, school districts, *charter schools* and universities and
22 community colleges within the University and Community
23 College System of Nevada to promote job training and
24 internships.

25 (j) To offer statewide participation in the program for pupils
26 who are enrolled in grades 7 to 12, inclusive.

27 (k) To encourage teachers and other educational personnel to
28 continue their educational development related to the program.

29 (l) To adopt a process to evaluate the program and to integrate
30 improvements in compliance with the Family Educational Rights
31 and Privacy Act (20 U.S.C. §§ 1232g et seq.). To carry out the
32 purposes of this paragraph, the state board may adopt a system
33 for evaluating participation in the program only to produce
34 aggregate statistical information needed to evaluate the program,
35 but not to ensure that a pupil completes job training for a
36 particular career. This paragraph does not prohibit the collection
37 of data necessary to carry out the provisions of NRS 389.015 and
38 389.017.

39 3. The program adopted by the state board must be designed
40 to offer an equitable opportunity for all pupils to participate in
41 the program, including, without limitation:

42 (a) Male and female pupils;

1 (b) Pupils who are of diverse racial, ethnic and cultural
2 backgrounds;

3 (c) Pupils whose primary language is not English;

4 (d) Pupils who have disabilities;

5 (e) Pupils who are gifted and talented;

6 (f) Pupils who are at high risk of dropping out of school; and

7 (g) Pupils who are disadvantaged, economically or otherwise.

8 4. To be eligible to receive funding for and to participate in
9 the program established pursuant to this section, a school district
10 , *a charter school* or a university or community college within
11 the University and Community College System of Nevada must
12 submit to the state board an application that includes:

13 (a) A description of the partnership between the school
14 district, *charter school*, university or community college and the
15 business community that will be established to carry out the
16 program adopted pursuant to this section. The partnership must
17 consist of employers, representatives of local educational
18 agencies, local postsecondary educational institutions,
19 representatives of labor organizations, pupils, parents and
20 persons representing rehabilitation, employment and training
21 services.

22 (b) A plan that describes how the partnership will carry out
23 the objectives of the program, including specific requirements for
24 periodic review and approval by the members of the partnership
25 representing the business community of the means of obtaining
26 those objectives. The members of the partnership who perform
27 the periodic review shall make a determination of whether the
28 program is actually improving the skills of the participants to
29 make the transition from school to careers. The members of the
30 partnership who perform the periodic review must include
31 employers who are likely to hire pupils who complete the
32 program as well as other employers who are active in the
33 establishment of programs for job training and placement.

34 (c) A description of an annual evaluation to be conducted by
35 the partnership and used to measure the success of the program.
36 The results of the evaluation must be submitted to the state board
37 and contain specific comments from the members of the
38 partnership representing the business community regarding the
39 effectiveness of the program in producing pupils who are ready
40 for employment in the workplace.

(d) Other information the state board may require to determine the eligibility of the school district *or the charter school* to participate in the program.

5. The state board, in consultation with the assisting agencies and the business community that will be included in the partnerships established pursuant to paragraph (a) of subsection 4, shall:

(a) Make a determination on an application that is submitted pursuant to this section.

(b) Submit a report containing its findings, conclusions and recommendations regarding the program adopted pursuant to this section to each regular session of the legislature on or before February 1 of each odd-numbered year.

6. As used in this section, “assisting agencies” means the commission on economic development, the department of employment, training and rehabilitation, the welfare division of the department of human resources and the University and Community College System of Nevada.

Sec. 61. Section 3 of chapter 493, Statutes of Nevada 1997, at page 2362, is hereby amended to read as follows:

Sec. 3. Chapter 19 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is less than 100,000, the board of county commissioners may, in addition to any other fee required by law, impose by ordinance a filing fee of not more than \$10 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the clerk of the court shall account for and pay over to the county treasurer any such fees collected by him during the preceding month for credit to an account for programs for the prevention and treatment of the abuse of alcohol and drugs in the county general fund. The money in that account must be used only to support programs for the prevention or treatment of the abuse of alcohol or drugs which may include, without limitation, any program of treatment for the abuse of alcohol or drugs established in a judicial district pursuant to NRS 453.580.

1 **Sec. 62.** Sections 3 and 16 of chapter 513, Statutes of Nevada 1997, at
2 pages 2440 and 2445, respectively, are hereby amended to read
3 respectively as follows:

4 Sec. 3. NRS 373.117 is hereby amended to read as follows:

5 373.117 1. A regional transportation commission may
6 establish or operate a public transit system consisting of regular
7 routes and fixed schedules to serve the public.

8 2. A regional transportation commission may lease vehicles to
9 or from or enter into other contracts with a private operator for the
10 provision of such a system.

11 3. In a county whose population is less than 400,000, such a
12 system may also provide service which includes:

13 (a) Minor deviations from regular routes and fixed schedules on
14 a recurring basis to serve the public transportation needs of
15 passengers. The deviations must not exceed one-half mile from the
16 regular routes.

17 (b) The transporting of persons upon request without regard to
18 regular routes or fixed schedules, if the service is provided by a
19 common motor carrier which has a certificate of public convenience
20 and necessity issued by the transportation services authority
21 pursuant to NRS 706.386 to 706.411, inclusive, and the service is
22 subject to the rules and regulations adopted by the transportation
23 services authority for a fully regulated carrier.

24 4. *Notwithstanding the provisions of chapter 332 of NRS or*
25 *NRS 625.530, a regional transportation commission may utilize a*
26 *turnkey procurement process to select a person to design, build,*
27 *operate and maintain, or any combination thereof, a fixed*
28 *guideway system, including, without limitation, any minimum*
29 *operable segment thereof. The commission shall determine*
30 *whether to utilize turnkey procurement for a fixed guideway*
31 *project before the completion of the preliminary engineering*
32 *phase of the project. In making that determination, the*
33 *commission shall evaluate whether turnkey procurement is the*
34 *most cost effective method of constructing the project on schedule*
35 *and in satisfaction of its transportation objectives.*

36 5. *Notwithstanding the provisions of chapter 332 of NRS, a*
37 *regional transportation commission may utilize a competitive*
38 *negotiation procurement process to procure rolling stock for a*
39 *fixed guideway project. The award of a contract under such a*
40 *process must be made to the person whose proposal is determined*
41 *to be the most advantageous to the commission, based on price*
42 *and other factors specified in the procurement documents.*

43 6. As used in this section:

1 (a) “Fully regulated carrier” means a common carrier or contract
2 carrier of passengers or household goods who is required to obtain
3 from the transportation services authority a certificate of public
4 convenience and necessity or a contract carrier’s permit and whose
5 rates, routes and services are subject to regulation by the
6 transportation services authority.

7 (b) *“Minimum operable segment” means the shortest portion*
8 *of a fixed guideway system that is technically capable of*
9 *providing viable public transportation between two end points.*

10 (c) “Public transit system” means a system employing motor
11 buses, rails or any other means of conveyance, by whatever type of
12 power, operated for public use in the conveyance of persons.

13 (d) *“Turnkey procurement” means a competitive procurement*
14 *process by which a person is selected by a regional transportation*
15 *commission, based on evaluation criteria established by the*
16 *commission, to design, build, operate and maintain, or any*
17 *combination thereof, a fixed guideway system, or a portion*
18 *thereof, in accordance with performance criteria and technical*
19 *specifications established by the commission.*

20 Sec. 16. NRS 709.050 is hereby amended to read as follows:

21 709.050 1. The board of county commissioners may grant to
22 any person, company, corporation or association the franchise, right
23 and privilege to construct, install, operate and maintain street
24 railways, electric light, heat and power lines, gas and water mains,
25 telephone and telegraph lines, and all necessary or proper
26 appliances used in connection therewith or appurtenant thereto, in
27 the streets, alleys, avenues and other places in any unincorporated
28 town in the county, and along the public roads and highways of the
29 county, when the applicant complies with the terms and provisions
30 of NRS 709.050 to 709.170, inclusive.

31 2. The board of county commissioners shall not:

32 (a) Impose any terms or conditions on a franchise granted
33 pursuant to subsection 1 for the provision of telecommunications
34 service or interactive computer service other than terms or
35 conditions concerning the placement and location of the telephone
36 or telegraph lines and fees imposed for a business license or the
37 franchise, right or privilege to construct, install or operate such
38 lines.

39 (b) Require a company that provides telecommunications service
40 or interactive computer service to obtain a franchise if it provides

telecommunications service over the telephone or telegraph lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) “Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § 230(e)(2), as that section existed on the effective date of ~~[this act.]~~ *Assembly Bill No. 508 of this session.*

(b) “Street railway” means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; *or*

(2) ~~[A monorail; or~~

~~—(3) Any other]~~ *An* overhead or underground system, *other than a monorail*, used for public transportation.

The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) “Telecommunications service” has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on the effective date of ~~[this act.]~~ *Assembly Bill No. 508 of this session.*

4. As used in this section, “monorail” has the meaning ascribed to it in section 9 of this act.

Sec. 63. Section 16 of chapter 516, Statutes of Nevada 1997, at page 2462, is hereby amended to read as follows:

Sec. 16. NRS 268.0968 is hereby amended to read as follows:

268.0968 1. Except as otherwise provided in NRS *268.096* *and* 268.801 to 268.808, inclusive, a city located in a county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991.

2. Except as otherwise provided in section 21 of ~~[this act,]~~ *Assembly Bill No. 291 of this session*, a city located in a county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991.

3. The legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of an increase in such a tax for:

(a) The promotion of tourism;

(b) The construction or operation of tourism facilities by a convention and visitors authority; or

(c) The acquisition, establishment, construction or expansion of one or more railroad grade separation projects.

1 **Sec. 64.** 1. Sections 5.5, 9 and 10 of chapter 517, Statutes of Nevada
2 1997, at pages 2476 and 2478, are hereby amended to read respectively as
3 follows:

4 Sec. 5.5. Section 2 of Senate Bill No. 205 of this session is
5 hereby amended to read as follows:

6 Sec. 2. NRS 432B.290 is hereby amended to read as
7 follows:

8 432B.290 1. Except as otherwise provided in subsection 2
9 ~~H~~ or 5, data or information concerning reports and investigations
10 thereof made pursuant to this chapter may be made available only
11 to:

12 (a) A physician who has before him a child who he reasonably
13 believes may have been abused or neglected;

14 (b) A person authorized to place a child in protective custody ,
15 if he has before him a child who he reasonably believes may have
16 been abused or neglected and he requires the information to
17 determine whether to place the child in protective custody;

18 (c) An agency, including, without limitation, an agency in
19 another jurisdiction, responsible for or authorized to undertake
20 the care, treatment or supervision of:

21 (1) The child; or

22 (2) The person responsible for the welfare of the child;

23 (d) A district attorney or other law enforcement officer who
24 requires the information in connection with an investigation or
25 prosecution of abuse or neglect of a child;

26 (e) ~~Any~~ A court, for in camera inspection only, unless the
27 court determines that public disclosure of the information is
28 necessary for the determination of an issue before it;

29 (f) A person engaged in bona fide research or an audit, but
30 ~~any~~ information identifying the subjects of a report must not be
31 made available to him;

32 (g) The guardian ad litem of the child;

33 (h) A grand jury upon its determination that access to these
34 records is necessary in the conduct of its official business;

35 (i) An agency which provides protective services or which is
36 authorized to receive, investigate and evaluate reports of abuse or
37 neglect of a child;

38 (j) A person who or an organization that has entered into a
39 written agreement with an agency which provides protective
40 services to provide assessments or services and that has been
41 trained to make such assessments or provide such services;

42 (k) A team organized for the protection of a child pursuant to
43 NRS 432B.350;

1 (l) A team organized pursuant to NRS 432B.405 to review the
2 death of a child;

3 (m) A parent or legal guardian of the child, if the identity of
4 the person responsible for reporting the alleged abuse or neglect
5 of the child to a public agency is kept confidential;

6 (n) The person named in the report as allegedly being abused
7 or neglected, if he is not a minor or otherwise legally
8 incompetent;

9 (o) An agency ~~which~~ *that* is authorized by law to license
10 foster homes or facilities for children or to investigate persons
11 applying for approval to adopt a child, if the agency has before it
12 an application for that license or is investigating an applicant to
13 adopt a child;

14 (p) Upon written consent of the parent, any officer of this state
15 or a city or county thereof or legislator authorized by the agency
16 or department having jurisdiction or by the legislature, acting
17 within its jurisdiction, to investigate the activities or programs of
18 an agency ~~which~~ *that* provides protective services if:

19 (1) The identity of the person making the report is kept
20 confidential; and

21 (2) The officer, legislator or a member of his family is not
22 the person alleged to have committed the abuse or neglect;

23 (q) The division of parole and probation of the department of
24 motor vehicles and public safety for use pursuant to NRS
25 176.135 in making a presentence investigation and report to the
26 district court; or

27 (r) Any person who is required pursuant to NRS 432B.220 to
28 make a report to an agency which provides protective services or
29 to a law enforcement agency.

30 2. Except as otherwise provided in subsection 3, data or
31 information concerning reports and investigations thereof made
32 pursuant to this chapter may be made available to any member of
33 the general public if the child who is the subject of the report dies
34 or is critically injured as a result of alleged abuse or neglect,
35 except that the data or information which may be disclosed is
36 limited to:

37 (a) The fact that a report of abuse or neglect has been made
38 and, if appropriate, a factual description of the contents of the
39 report;

40 (b) Whether an investigation has been initiated pursuant to
41 NRS 432B.260, and the result of a completed investigation; and

42 (c) Such other information authorized for disclosure by a
43 court pursuant to subsection 4.

1 3. An agency which provides protective services shall not
2 disclose data or information pursuant to subsection 2 if the
3 agency determines that the disclosure is not in the best interests
4 of the child or if disclosure of the information would adversely
5 affect any pending investigation concerning the report.

6 4. Upon petition, a court of competent jurisdiction may
7 authorize the disclosure of additional information to the public
8 pursuant to subsection 2 if good cause is shown by the petitioner
9 for the disclosure of the additional information.

10 5. *An agency investigating a report of the abuse or neglect*
11 *of a child shall, upon request, provide to a person named in the*
12 *report as allegedly causing the abuse or neglect of the child:*

13 (a) *A copy of:*

14 (1) *Any statement made in writing to an investigator for*
15 *the agency by the person named in the report as allegedly*
16 *causing the abuse or neglect of the child; or*

17 (2) *Any recording made by the agency of any statement*
18 *made orally to an investigator for the agency by the person*
19 *named in the report as allegedly causing the abuse or neglect*
20 *of the child; or*

21 (b) *A written summary of the allegations made against the*
22 *person who is named in the report as allegedly causing the*
23 *abuse or neglect of the child. The summary must not identify*
24 *the person responsible for reporting the alleged abuse or*
25 *neglect.*

26 6. Any person, except for:

27 (a) The subject of a report;

28 (b) A district attorney or other law enforcement officer
29 initiating legal proceedings; or

30 (c) An employee of the division of parole and probation of the
31 department of motor vehicles and public safety making a
32 presentence investigation and report to the district court pursuant
33 to NRS 176.135,
34 who is given access, pursuant to subsection 1 or 2, to information
35 identifying the subjects of a report who makes this information
36 public is guilty of a misdemeanor.

37 ~~{6.}~~ 7. The division of child and family services shall adopt
38 regulations to carry out the provisions of this section.

39 Sec. 9. The amendatory provisions of *sections 1 to 5.5,*
40 *inclusive, of* this act expire by limitation on June 30, 2001.

41 Sec. 10. 1. This *section and sections 1 to 5.5, inclusive, and*
42 *6 to 9, inclusive, of this* act ~~{becomes}~~ *become* effective on July 1,
43 1997.

1 **2. Section 5.7 of this act becomes effective at 12:01 a.m. on**
2 **July 1, 2001.**

3 2. Chapter 517, Statutes of Nevada 1997, at page 2478, is hereby
4 amended by adding thereto a new section to be designated as section 5.7,
5 immediately following section 5.5, to read as follows:

6 Sec. 5.7. Section 2 of chapter 240, Statutes of Nevada 1997, at
7 page 849, is hereby amended to read as follows:

8 Sec. 2. NRS 432B.290 is hereby amended to read as
9 follows:

10 432B.290 1. ~~{Data}~~ **Except as otherwise provided in**
11 **subsection 2, data** or information concerning reports and
12 investigations thereof made pursuant to this chapter may be made
13 available only to:

14 (a) A physician who has before him a child who he reasonably
15 believes may have been abused or neglected;

16 (b) A person authorized to place a child in protective custody,
17 if he has before him a child who he reasonably believes may have
18 been abused or neglected and he requires the information to
19 determine whether to place the child in protective custody;

20 (c) An agency, including, without limitation, an agency in
21 another jurisdiction, responsible for or authorized to undertake
22 the care, treatment or supervision of:

23 (1) The child; or

24 (2) The person responsible for the welfare of the child;

25 (d) A district attorney or other law enforcement officer who
26 requires the information in connection with an investigation or
27 prosecution of abuse or neglect of a child;

28 (e) ~~{Any}~~ **A** court, for in camera inspection only, unless the
29 court determines that public disclosure of the information is
30 necessary for the determination of an issue before it;

31 (f) A person engaged in bona fide research or an audit, but
32 ~~{any}~~ information identifying the subjects of a report must not be
33 made available to him;

34 (g) The guardian ad litem of the child;

35 (h) A grand jury upon its determination that access to these
36 records is necessary in the conduct of its official business;

37 (i) An agency which provides protective services or which is
38 authorized to receive, investigate and evaluate reports of abuse or
39 neglect of a child;

40 (j) A team organized for the protection of a child pursuant to
41 NRS 432B.350;

1 (k) A parent or legal guardian of the child, if the identity of
2 the person responsible for reporting the alleged abuse or neglect
3 of the child to a public agency is kept confidential;

4 (l) The person named in the report as allegedly being abused
5 or neglected, if he is not a minor or otherwise legally
6 incompetent;

7 (m) An agency ~~which~~ *that* is authorized by law to license
8 foster homes or facilities for children or to investigate persons
9 applying for approval to adopt a child, if the agency has before it
10 an application for that license or is investigating an applicant to
11 adopt a child;

12 (n) Upon written consent of the parent, any officer of this state
13 or a city or county thereof or legislator authorized, by the agency
14 or department having jurisdiction or by the legislature, acting
15 within its jurisdiction, to investigate the activities or programs of
16 an agency ~~which~~ *that* provides protective services if:

17 (1) The identity of the person making the report is kept
18 confidential; and

19 (2) The officer, legislator or a member of his family is not
20 the person alleged to have committed the abuse or neglect; or

21 (o) The division of parole and probation of the department of
22 motor vehicles and public safety for use pursuant to NRS
23 176.135 in making a presentence investigation and report to the
24 district court.

25 2. *An agency investigating a report of the abuse or neglect*
26 *of a child shall, upon request, provide to a person named in the*
27 *report as allegedly causing the abuse or neglect of the child:*

28 (a) *A copy of:*

29 (1) *Any statement made in writing to an investigator for*
30 *the agency by the person named in the report as allegedly*
31 *causing the abuse or neglect of the child; or*

32 (2) *Any recording made by the agency of any statement*
33 *made orally to an investigator for the agency by the person*
34 *named in the report as allegedly causing the abuse or neglect*
35 *of the child; or*

36 (b) *A written summary of the allegations made against the*
37 *person who is named in the report as allegedly causing the*
38 *abuse or neglect of the child. The summary must not identify*
39 *the person responsible for reporting the alleged abuse or*
40 *neglect.*

41 3. Any person, except for:

42 (a) The subject of a report;

1 (b) A district attorney or other law enforcement officer
2 initiating legal proceedings; or

3 (c) An employee of the division of parole and probation of the
4 department of motor vehicles and public safety making a
5 presentence investigation and report to the district court pursuant
6 to NRS 176.135,
7 who is given access, pursuant to subsection 1, to information
8 identifying the subjects of a report who makes this information
9 public is guilty of a misdemeanor.

10 ~~[3.]~~ 4. The division of child and family services shall adopt
11 regulations to carry out the provisions of this section.

12 **Sec. 65.** Sections 1 and 6 of chapter 521, Statutes of Nevada 1997, at
13 pages 2484 and 2486, respectively, are hereby amended to read
14 respectively as follows:

15 Section 1. NRS 353.185 is hereby amended to read as follows:
16 353.185 The powers and duties of the chief are:

17 1. To appraise the quantity and quality of services rendered by
18 each agency in the executive department of the state government,
19 and the needs for such services and for any new services.

20 2. To develop plans for improvements and economies in
21 organization and operation of the executive department, and to
22 install such plans as are approved by the respective heads of the
23 various agencies of the executive department, or as are directed to
24 be installed by the governor or the legislature.

25 3. To cooperate with the state public works board in developing
26 comprehensive, long-range plans for capital improvements and the
27 means for financing them.

28 4. To devise and prescribe the forms for reports on the
29 operations of the agencies in the executive department to be
30 required periodically from the several agencies in the executive
31 department, and to require the several agencies to make such
32 reports.

33 5. To prepare the executive budget report for the governor's
34 approval and submission to the legislature.

35 6. To prepare a proposed budget for the executive department
36 of the state government for the next 2 fiscal years, which ~~proposed~~
37 ~~budget~~ must:

38 (a) Present a complete financial plan for the next 2 fiscal years;

39 (b) Set forth all proposed expenditures for the administration,
40 operation and maintenance of the departments, institutions and
41 agencies of the executive department of the state government,
42 including those operating on funds designated for specific purposes

1 by the constitution or otherwise ~~{:}~~, *which must include a separate*
2 *statement of:*

3 *(1) The anticipated expense, including personnel, for the*
4 *operation and maintenance of each capital improvement to be*
5 *constructed during the next 2 fiscal years and of each capital*
6 *improvement constructed on or after July 1, 1999, which is to be*
7 *used during those fiscal years or a future fiscal year; and*

8 *(2) The proposed source of funding for the operation and*
9 *maintenance of each capital improvement, including personnel,*
10 *to be constructed during the next 2 fiscal years;*

11 (c) Set forth all *charges for* interest and debt redemption
12 ~~{charges}~~ during the next 2 fiscal years;

13 (d) Set forth all expenditures for capital projects to be
14 undertaken and executed during the next 2 fiscal years; and

15 (e) Set forth the anticipated revenues of the state government,
16 and any other additional means of financing the expenditures
17 proposed for the next 2 fiscal years.

18 7. To examine and approve work programs and allotments to
19 the several agencies in the executive department, and changes
20 therein.

21 8. To examine and approve statements and reports on the
22 estimated future financial condition and the operations of the
23 agencies in the executive department of the state government and
24 the several budgetary units ~~{, which}~~ *that* have been prepared by
25 those agencies and budgetary units, before ~~{any such}~~ *the* reports
26 are released to the governor, to the legislature, or for publication.

27 9. To receive and deal with requests for information as to the
28 budgetary status and operations of the executive agencies of the
29 state government.

30 10. To prepare such statements of unit costs and other statistics
31 relating to ~~{costs}~~ *cost* as may be required from time to time, or
32 requested by the governor or the legislature.

33 11. To do and perform such other and further duties relative to
34 the development and submission of an adequate proposed budget
35 for the executive department of the state government of the State of
36 Nevada as the governor may require.

37 Sec. 6. *1. This section and sections 2 to 5, inclusive, of this*
38 *act* ~~{becomes}~~ *become* effective on July 1, 1997.

39 *2. Section 1 of this act becomes effective at 12:01 a.m. on*
40 *July 1, 1997.*

1 **Sec. 66.** Section 34 of chapter 522, Statutes of Nevada 1997, at page
2 2489, is hereby amended to read as follows:

3 Sec. 34. NRS 392.330 is hereby amended to read as follows:

4 392.330 1. In addition to the purposes authorized by NRS
5 392.320, a board of trustees may use transportation funds of the
6 school district for ~~{arranging}~~ :

7 ***(a) Arranging*** and paying for transportation , ***in accordance***
8 ***with subsection 2***, by motor vehicles or otherwise, by contract or
9 such other arrangement as the board finds most economical,
10 expedient and feasible and for the best interests of the school
11 district.

12 ***(b) Purchasing tickets for public buses for use by pupils***
13 ***enrolled in high school to travel to and from school.***

14 2. Such transportation may be arranged and contracted for by a
15 board of trustees with:

16 (a) Any railroad company holding a certificate of public
17 convenience and necessity issued by the public utilities commission
18 of Nevada or bus company or other licensed common carrier
19 holding a certificate of public convenience and necessity issued by
20 the transportation services authority.

21 (b) The owners and operators of private automobiles or other
22 private motor vehicles, including parents of pupils who attend
23 school and are entitled to transportation. When required by the
24 board of trustees, every such private automobile or other private
25 motor vehicle regularly transporting pupils must be insured in the
26 amount required by regulation of the state board ~~{of education}~~
27 against the loss and damage described in subsection 2 of NRS
28 392.320.

29 **Sec. 67.** Sections 9 and 13 of chapter 524, Statutes of Nevada 1997, at
30 pages 2505 and 2509, respectively, are hereby amended to read
31 respectively as follows:

32 Sec. 9. NRS 176.185 is hereby amended to read as follows:

33 176.185 1. Except as otherwise provided in this section,
34 ~~{whenever}~~ ***section 3 of Assembly Bill No. 240 of this session and***
35 ***section 7 of this act, if*** a person is found guilty in a district court of
36 a crime upon verdict or plea, except in cases of murder of the first
37 or second degree, kidnaping in the first degree, sexual assault,
38 attempted sexual assault of a child who is less than 16 years of age,
39 an offense for which the suspension of sentence or the granting of
40 probation is expressly forbidden, or ~~{where}~~ ***if*** the person is found
41 to be a habitual criminal pursuant to NRS 207.010, a habitually
42 fraudulent felon pursuant to NRS 207.014 or a habitual felon
43 pursuant to NRS 207.012, the court:

1 (a) If the person is found guilty of a category E felony, shall
2 suspend the execution of the sentence imposed and grant probation
3 to the person pursuant to NRS 193.130; or

4 (b) If the person is found guilty of any other felony, a gross
5 misdemeanor or a misdemeanor, may suspend the execution of the
6 sentence imposed and grant probation as the court deems advisable.

7 2. In determining whether to place a person on probation, the
8 court shall not consider whether the person has the financial ability
9 to participate in a program of probation secured by a surety bond
10 established pursuant to NRS 176.1851 to 176.18525, inclusive.

11 3. ~~3. [The court may grant probation to a person convicted of~~
12 ~~indecent or obscene exposure or of lewdness only if a certificate of~~
13 ~~a psychologist or psychiatrist, as required by NRS 201.210,~~
14 ~~201.220 or 201.230, is received by the court.]~~ The court shall
15 consider the standards adopted pursuant to NRS 213.10988 and the
16 recommendation of the chief parole and probation officer, if any, in
17 determining whether to grant probation.

18 4. If the court determines that a defendant is otherwise eligible
19 for probation but requires more supervision than would normally be
20 provided to a person granted probation, the court may, in lieu of
21 sentencing him to a term of imprisonment, grant him probation
22 pursuant to the program of intensive supervision established
23 pursuant to NRS 176.198.

24 5. The court shall not, except as otherwise provided in this
25 subsection, grant probation to a person convicted of a felony until
26 the court receives a written report from the chief parole and
27 probation officer. The chief parole and probation officer shall
28 submit a written report not later than 45 days following a request for
29 a probation investigation from the county clerk, but if a report is not
30 submitted by the chief parole and probation officer within 45 days
31 the district judge may grant probation without the written report.

32 6. If the court determines that a defendant is otherwise eligible
33 for probation, the court shall when determining the conditions of
34 that probation consider the imposition of such conditions as would
35 facilitate timely payments by the defendant of his obligation, if any,
36 for the support of a child and the payment of any such obligation
37 which is in arrears.

38 Sec. 13. Section 13 of Senate Bill No. 133 of this session is
39 hereby amended to read as follows:

40 Sec. 13. NRS 176.185 is hereby amended to read as follows:

41 176.185 1. Except as otherwise provided in this section,
42 section 3 of Assembly Bill No. 240 of this session and section 7
43 of ~~[this act,]~~ *Senate Bill No. 5 of this session*, if a person is

found guilty in a district court ~~{of a crime}~~ upon verdict or plea ~~[- except in cases of murder] of:~~

(a) *Murder* of the first or second degree, kidnaping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court ~~[-~~

~~—(a) If the person is found guilty of a]~~ *shall not suspend the execution of the sentence imposed or grant probation to the person.*

(b) A category E felony, *except as otherwise provided in this paragraph, the court* shall suspend the execution of the sentence imposed and grant probation to the person . ~~{pursuant to NRS 193.130; or~~

~~—(b) If the person is found guilty of any other]~~ *The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time the crime was committed, the person:*

(1) *Was serving a term of probation, whether in this state or elsewhere, for a felony conviction;*

(2) *Had previously had his probation revoked, whether in this state or elsewhere, for a felony conviction; or*

(3) *Had previously been two times convicted, whether in this state or elsewhere, of a crime that under the laws of the situs of the crime or of this state would amount to a felony. If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.*

(c) *Another* felony, a gross misdemeanor or a misdemeanor, *the court* may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to place a person on probation, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176.1851 to 176.18525, inclusive.

1 3. The court shall consider the standards adopted pursuant to
2 NRS 213.10988 and the recommendation of the chief parole and
3 probation officer, if any, in determining whether to grant
4 probation.

5 4. If the court determines that a defendant is otherwise
6 eligible for probation but requires more supervision than would
7 normally be provided to a person granted probation, the court
8 may, in lieu of sentencing him to a term of imprisonment, grant
9 him probation pursuant to the program of intensive supervision
10 established pursuant to NRS 176.198.

11 5. The court shall not, except as otherwise provided in this
12 subsection, grant probation to a person convicted of a felony until
13 the court receives a written report from the chief parole and
14 probation officer. The chief parole and probation officer shall
15 submit a written report not later than 45 days following a request
16 for a probation investigation from the county clerk, but if a report
17 is not submitted by the chief parole and probation officer within
18 45 days the district judge may grant probation without the written
19 report.

20 6. If the court determines that a defendant is otherwise
21 eligible for probation, the court shall when determining the
22 conditions of that probation consider the imposition of such
23 conditions as would facilitate timely payments by the defendant
24 of his obligation, if any, for the support of a child and the
25 payment of any such obligation which is in arrears.

26 **Sec. 68.** 1. Sections 6 and 7 of chapter 528, Statutes of Nevada
27 1997, at page 2520, are hereby amended to read respectively as follows:

28 Sec. 6. NRS 62.360 is hereby amended to read as follows:

29 62.360 1. The court shall make and keep records of all cases
30 brought before it.

31 2. The records may be opened to inspection only by order of
32 the court to persons having a legitimate interest therein except that a
33 release without a court order may be made of any:

34 (a) Records of traffic violations which are being forwarded to
35 the department of motor vehicles and public safety;

36 (b) Records which have not been sealed and are required by the
37 division of parole and probation of the department of motor
38 vehicles and public safety for preparation of presentence reports
39 pursuant to NRS 176.135;

40 (c) Information maintained in the standardized system
41 established pursuant to NRS 62.420; ~~and~~

(d) Records which have not been sealed and which are to be used, pursuant to sections 22 to 77, inclusive, of ~~this act,~~ *Senate Bill No. 325 of this session*, by:

(1) The central repository for Nevada records of criminal history;

(2) The division of parole and probation of the department of motor vehicles and public safety; or

(3) A person who is conducting an assessment of the risk of recidivism of an adult or juvenile sex offender ~~H~~; and

(e) Information that must be collected by the division of child and family services of the department of human resources pursuant to section 5 of this act.

3. The clerk of the court shall prepare and cause to be printed forms for social and legal records and other papers as may be required.

4. Whenever the conduct of a child with respect to whom the jurisdiction of the juvenile court has been invoked may be the basis of a civil action, any party to the civil action may petition the court for release of the child's name, and upon satisfactory showing to the court that the purpose in obtaining the information is for use in a civil action brought or to be brought in good faith, the court shall order the release of the child's name and authorize its use in the civil action.

Sec. 7. NRS 62.370 is hereby amended to read as follows:

62.370 1. Except as otherwise provided in section 91.1 of Senate Bill No. 325 of this session and section 3 of ~~this act,~~ *Senate Bill No. 285 of this session*, if a child is taken into custody by a peace officer, is taken before a probation officer, or appears before a judge or master of a juvenile court, district court, justice's court or municipal court, the child or a probation officer on his behalf may petition for the sealing of all records relating to the child, including records of arrest, but not including records relating to misdemeanor traffic violations, in the custody of the juvenile court, district court, justice's court or municipal court, probation officer, law enforcement agency, or any other agency or public official, if:

(a) Three years or more have elapsed after termination of the jurisdiction of the juvenile court; or

(b) Three years or more have elapsed since the child was last referred to the juvenile court and the child has never been declared a ward of the court.

2. The court shall notify the district attorney of the county and the probation officer, if he is not the petitioner. The district

1 attorney, probation officer, any of their deputies or any other
2 persons having relevant evidence may testify at the hearing on the
3 petition.

4 3. If, after the hearing, the court finds that, since such
5 termination of jurisdiction, the child has not been convicted of a
6 felony or of any misdemeanor involving moral turpitude and that
7 rehabilitation has been attained to the satisfaction of the court, it
8 shall order all records, papers and exhibits in the juvenile's case in
9 the custody of the juvenile court, district court, justice's court,
10 municipal court, probation officer, law enforcement agency or any
11 other agency or public official sealed. Other records relating to the
12 case, in the custody of such other agencies and officials as are
13 named in the order, must also be ordered sealed.

14 4. Except as otherwise provided in section 91.1 of Senate Bill
15 No. 325 of this session and section 3 of ~~this act,~~ **Senate Bill No.**
16 **285 of this session,** all records relating to a child must be
17 automatically sealed when the child reaches 24 years of age.

18 5. The court shall send a copy of the order sealing the records
19 of a child to each agency and official named therein. Each agency
20 and official shall, within 5 days after receipt of the order:

21 (a) Seal records in its custody, as directed by the order.

22 (b) Advise the court of its compliance.

23 (c) Seal the copy of the court's order that it or he received.

24 6. If the court orders the records sealed, all proceedings
25 recounted in the records are deemed never to have occurred, and the
26 person who is the subject of the records may properly reply
27 accordingly to any inquiry concerning the proceedings and the
28 events which brought about the proceedings.

29 7. The person who is the subject of records sealed pursuant to
30 this section may petition the court to permit inspection of the
31 records by a person named in the petition and the court may order
32 the inspection.

33 8. The court may, upon the application of a district attorney or
34 an attorney representing a defendant in a criminal action, order an
35 inspection of the records for the purpose of obtaining information
36 relating to persons who were involved in the incident recorded.

37 9. The court may, upon its own motion and for the purpose of
38 sentencing a convicted adult who is under 21 years of age, inspect
39 any records of that person which are sealed pursuant to this section.

40 10. An agency charged with the medical or psychiatric care of a
41 person may petition the court to unseal his juvenile records.

42 11. The provisions of this section do not apply to ~~any~~
43 information maintained in the standardized system established

1 pursuant to NRS 62.420 ~~or~~ *or information that must be collected*
2 *by the division of child and family services of the department of*
3 *human resources pursuant to section 5 of this act.*

4 12. As used in this section, “seal” means placing the records in
5 a separate file or other repository not accessible to the general
6 public.

7 2. Chapter 528, Statutes of Nevada 1997, at page 2521, is hereby
8 amended by adding thereto new sections to be designated as sections 8 and
9 9, immediately following section 7, to read respectively as follows:

10 Sec. 8. Section 5 of chapter 445, Statutes of Nevada 1997, at
11 page 1565, is hereby amended to read as follows:

12 Sec. 5. NRS 62.370 is hereby amended to read as follows:

13 62.370 1. Except as otherwise provided in section 91.1 of
14 ~~this act,~~ *Senate Bill No. 325 of this session and section 3 of*
15 *this act*, if a child is taken into custody by a peace officer, is
16 taken before a probation officer, or appears before a judge or
17 master of a juvenile court, district court, justice’s court or
18 municipal court, the child or a probation officer on his behalf
19 may petition for the sealing of all records relating to the child,
20 including records of arrest, but not including records relating to
21 misdemeanor traffic violations, in the custody of the juvenile
22 court, district court, justice’s court or municipal court, probation
23 officer, law enforcement agency, or any other agency or public
24 official, if:

25 (a) Three years or more have elapsed after termination of the
26 jurisdiction of the juvenile court; or

27 (b) Three years or more have elapsed since the child was last
28 referred to the juvenile court and the child has never been
29 declared a ward of the court.

30 2. The court shall notify the district attorney of the county
31 and the probation officer, if he is not the petitioner. The district
32 attorney, probation officer, any of their deputies or any other
33 persons having relevant evidence may testify at the hearing on
34 the petition.

35 3. If, after the hearing, the court finds that, since such
36 termination of jurisdiction, the child has not been convicted of a
37 felony or of any misdemeanor involving moral turpitude and that
38 rehabilitation has been attained to the satisfaction of the court, it
39 shall order all records, papers and exhibits in the juvenile’s case
40 in the custody of the juvenile court, district court, justice’s court,
41 municipal court, probation officer, law enforcement agency or
42 any other agency or public official sealed. Other records relating

1 to the case, in the custody of such other agencies and officials as
2 are named in the order, must also be ordered sealed.

3 4. Except as otherwise provided in section 91.1 of ~~this act,~~
4 *Senate Bill No. 325 of this session and section 3 of this act*, all
5 records relating to a child must be automatically sealed when the
6 child reaches 24 years of age.

7 5. The court shall send a copy of the order sealing the
8 records of a child to each agency and official named therein.
9 Each agency and official shall, within 5 days after receipt of the
10 order:

11 (a) Seal records in its custody, as directed by the order.

12 (b) Advise the court of its compliance.

13 (c) Seal the copy of the court's order that it or he received.

14 6. If the court orders the records sealed, all proceedings
15 recounted in the records are deemed never to have occurred, and
16 the person who is the subject of the records may properly reply
17 accordingly to any inquiry concerning the proceedings and the
18 events which brought about the proceedings.

19 7. The person who is the subject of records sealed pursuant
20 to this section may petition the court to permit inspection of the
21 records by a person named in the petition and the court may order
22 the inspection.

23 8. The court may, upon the application of a district attorney
24 or an attorney representing a defendant in a criminal action, order
25 an inspection of the records for the purpose of obtaining
26 information relating to persons who were involved in the incident
27 recorded.

28 9. The court may, upon its own motion and for the purpose
29 of sentencing a convicted adult who is under 21 years of age,
30 inspect any records of that person which are sealed pursuant to
31 this section.

32 10. An agency charged with the medical or psychiatric care
33 of a person may petition the court to unseal his juvenile records.

34 11. The provisions of this section do not apply to any
35 information maintained in the standardized system established
36 pursuant to NRS 62.420.

37 12. As used in this section, "seal" means placing the records
38 in a separate file or other repository not accessible to the general
39 public.

40 Sec. 9. 1. This section and section 8 of this act become
41 effective on September 30, 1997.

42 2. Section 7 of this act becomes effective at 12:01 a.m. on
43 October 1, 1997.

1 **Sec. 69.** Section 2 of chapter 530, Statutes of Nevada 1997, at
2 page 2524, is hereby amended to read as follows:

3 Sec. 2. Chapter 484 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 ***1. Except as otherwise provided in subsection 3, a person***
6 ***driving a motor vehicle during the hours of daylight at a speed in***
7 ***excess of the speed limit posted by a public authority for the***
8 ***portion of highway being traversed shall be punished by a fine of***
9 ***\$25 if:***

10 ***(a) The posted speed limit is 60 miles per hour and the person***
11 ***is not exceeding a speed of 70 miles per hour.***

12 ***(b) The posted speed limit is 65 miles per hour and the person***
13 ***is not exceeding a speed of 75 miles per hour.***

14 ***(c) The posted speed limit is 70 miles per hour and the person***
15 ***is not exceeding a speed of 75 miles per hour.***

16 ***2. A violation of the speed limit under any of the***
17 ***circumstances set forth in subsection 1 must not be recorded by***
18 ***the department on a driver's record and shall not be deemed a***
19 ***moving traffic violation.***

20 ***3. The provisions of this section do not apply to a violation***
21 ***specified in subsection 1 that occurs in a county whose population***
22 ***is 100,000 or more.***

23 **Sec. 70.** 1. Sections 3, 4 and 5 of chapter 540, Statutes of Nevada
24 1997, at pages 2550, 2551 and 2553, respectively, are hereby amended to
25 read respectively as follows:

26 Sec. 3. NRS 704A.180 is hereby amended to read as follows:

27 704A.180 1. Within 15 days after the receipt of ~~{the petition,}~~
28 ***a petition to establish a service district***, each public utility
29 corporation other than the municipality shall notify the municipality
30 of the ~~{petition's}~~ receipt ***of the petition*** and shall request the
31 municipality to notify the public utility corporation of the basis to
32 be used by the municipality in the apportionment of the costs
33 ***related to the installation of the facility underground*** to be
34 defrayed by special assessments levied against the specially
35 benefited lots within the proposed service district if the facilities of
36 the public utility corporation therein are to be placed underground
37 ~~{under}~~ ***pursuant to*** this chapter.

38 2. Within 30 days of the receipt by the municipality of each
39 such request, or, if the public utility corporation is the municipality,
40 the petition, the ***local*** governing body shall state, by resolution, the
41 basis for the apportionment of those costs by assessments against
42 the specially benefited lots, subject to the provisions of subsections
43 5 and 6 of NRS 704A.240, and shall forthwith cause a certified true

1 copy of the resolution pertaining to each public utility corporation
2 requesting the basis of assessments to be furnished thereto.

3 3. Within 120 days after receipt of the basis for assessments, or,
4 if the public utility corporation is the municipality, after the
5 adoption of the resolution, each public utility corporation serving
6 the area shall:

7 (a) Make a study of the cost of providing new underground
8 electric and communication facilities or conversion of its facilities
9 in the area to underground service.

10 (b) Make available in its office to the petitioners and to all
11 owners of real property within the proposed service district a joint
12 report of the results of the study of the public utility corporations
13 affected.

14 4. If a public utility corporation subject to the jurisdiction of
15 the public utilities commission of Nevada determines as a result of
16 the study that installation of the proposed service is not
17 economically or technically feasible, it may, with the concurrence
18 of the public utilities commission of Nevada, so state in the joint
19 report and proceed no further toward installation of the proposed
20 service. ~~{Nothing in this chapter requires}~~ **This chapter does not**
21 **require** the public utilities commission of Nevada to participate in
22 preparation of the joint report referred to in this section.

23 5. If a public utility corporation is a city or county and if it
24 determines as a result of the study that installation of the proposed
25 service is not economically or technically feasible, it may, with the
26 concurrence of its governing body, as provided by resolution , so
27 state in the joint report and proceed no further toward installation of
28 the proposed service.

29 6. Except for the facilities of each public utility corporation
30 described in subsection 4 or 5, if any, the joint report must:

31 (a) Contain an estimate of the costs to be assessed to each lot of
32 real property located within the proposed service district for the
33 construction of new facilities or conversion of facilities within
34 public places.

35 (b) Indicate the estimated cost to be assessed to each lot of real
36 property for placing underground the facilities of the public utility
37 corporation located within the boundaries of each lot.

38 (c) Indicate the estimated cost, if any, to be borne by the public
39 utility corporation for any facilities to be provided by it and which
40 remain its property rather than becoming property of owners of
41 individual lots, as provided by regulations of the public utilities
42 commission of Nevada in the case of a public utility corporation
43 other than a city or county, and, in the case of any public utility

1 corporation, by any other applicable laws, ordinances, rules or
2 regulations.

3 7. The costs of preparing the joint report must be borne by the
4 public utility corporation or corporations whose electric or
5 communication facilities are to be included in the proposed service
6 district unless the governing body orders the establishment of the
7 service district, in which event the costs must be included in the
8 costs of the service district.

9 Sec. 4. NRS 704A.240 is hereby amended to read as follows:

10 704A.240 1. At the place, date and hour specified for the
11 hearing in the notice or at any subsequent time to which the hearing
12 may be adjourned, the governing body shall give full consideration
13 to all written objections which have been filed and shall hear all
14 owners of real property within the proposed service district desiring
15 to be heard.

16 2. If the governing body determines ~~that~~ *after* the hearing that
17 ~~that~~ *an existing or a new electric facility must be placed*
18 *underground and that:*

19 (a) The requirements for the establishment of a service district
20 have been satisfied;

21 (b) Objections have not been filed in writing by more than 40
22 percent of the owners of real property within the proposed service
23 district, or by owners of more than 40 percent of the real property
24 on a square foot basis in the proposed service district;

25 (c) Considering all objections, the cost of construction or
26 conversion as contained in the joint report prepared pursuant to
27 NRS 704A.180 is economically and technically feasible for the
28 public utility corporations involved and the owners of real property
29 affected; and

30 (d) The proposed service district is a reasonably compact area
31 ~~of reasonable size,~~ *which encompasses areas that will benefit*
32 *from the installation of the facility underground,*
33 the governing body shall enact an ordinance establishing the area as
34 a service district.

35 3. The ordinance must:

36 (a) State the costs to be assessed to each lot in the service
37 district, including the appropriate share of all costs referred to in
38 NRS 704A.180 and 704A.210.

39 (b) Direct the public utility corporation owning overhead electric
40 or communication facilities within the service district to construct
41 or convert such facilities to underground facilities and, in the case
42 of a public utility corporation other than a city or county, *to*
43 *construct or convert such facilities* in accordance with standard

1 underground practices and procedures approved by the public
2 utilities commission of Nevada.

3 (c) State the method of levying assessments, the number of
4 installments, and the times when the costs assessed will be payable.

5 4. Before enacting an ordinance establishing a service district,
6 the governing body shall exclude by resolution or ordinance any
7 territory described in the petition which the governing body finds
8 will not be benefited by inclusion in the service district or for which
9 ~~territory~~ **underground** construction or conversion is not
10 economically or technically feasible.

11 5. The basis for apportioning the assessments:

12 (a) Must be in proportion to the special benefits derived to each
13 of the several lots comprising the assessable property within the
14 service district; and

15 (b) Must be on a front foot, area, zone or other equitable basis as
16 determined by the governing body.

17 6. Regardless of the basis used for the apportionment of
18 assessments, in cases of wedge or V or any other irregularly shaped
19 lots, an amount apportioned thereto must be in proportion to the
20 special benefits thereby derived.

21 7. The assessable property in the service districts consists of the
22 lots specially benefited by the construction or conversion of service
23 facilities, except:

24 (a) Any lot owned by the Federal Government in the absence of
25 consent of Congress to its assessment; and

26 (b) Any lot owned by the municipality.

27 Sec. 5. NRS 704A.300 is hereby amended to read as follows:

28 704A.300 1. The service facilities within the boundaries of
29 each lot within an underground ~~conversion~~ service district must be
30 placed underground at the same time as or after the underground
31 system in private easements and public places is placed
32 underground. The public utility corporation involved, directly or
33 through a contractor, shall, in accordance with the rules and
34 regulations of the public utility corporation, but subject to the
35 regulations of the public utilities commission of Nevada in the case
36 of a public utility corporation other than a city or county, and, in the
37 case of any utility corporation, subject to any other applicable laws,
38 ordinances, rules or regulations of the municipality or any other
39 public agency under the police power, convert to underground its
40 facilities on any such lot in the case of:

41 (a) An electric public utility, up to the service entrance.

42 (b) A communication public utility, to the connection point
43 within the house or structure.

2. All costs or expenses of conversion must be included in the costs on which the underground conversion cost for such property is calculated, as provided in this chapter.

2. Chapter 540, Statutes of Nevada 1997, at page 2553, is hereby amended by adding thereto a new section to be designated as section 7, immediately following section 6, to read as follows:

Sec. 7. Sections 3, 4 and 5 of this act become effective at 12:01 a.m. on October 1, 1997.

Sec. 71. 1. Sections 16 and 17 of chapter 542, Statutes of Nevada 1997, at page 2574, are hereby amended to read respectively as follows:

Sec. 16. 1. NRS 279.010, 279.020, 279.030, 279.040, 279.050, 279.060, 279.070, 279.080, 279.090, 279.100, 279.110, 279.120, 279.130, 279.140, 279.150, 279.160, 279.170, 279.180, 279.190, 279.200, 279.210, 279.220, 279.230, 279.240, 279.250, 279.260, 279.270, 279.280, 279.285, 279.290, 279.300, 279.310, 279.311, 279.312, 279.313, 279.314, 279.315, 279.316, 279.317, 279.318, 279.320, 279.330, 279.340, 279.350, 279.360, 279.370, 279.380, 279.677, 361B.010, 361B.020, 361B.030, 361B.040, 361B.050, 361B.060, 361B.070, 361B.080, 361B.090, 361B.100, 361B.110, 361B.120, 361B.130, 361B.140, 361B.150, 361B.160, 361B.170, 361B.180, 361B.190, 361B.200, 361B.210, 361B.220, 361B.230, 361B.240, 361B.250, 361B.270, 361B.280, 361B.285, 361B.290, 361B.300, 361B.305 and 361B.310, *section 40 of chapter 447, Statutes of Nevada 1997, at page 1612, section 279 of chapter 482, Statutes of Nevada 1997, at page 1990, and sections 9 and 10 of chapter 585, Statutes of Nevada 1997, at pages 2871 and 2874, respectively*, are hereby repealed.

2. NRS 361B.260 is hereby repealed.

Sec. 17. 1. This section and sections 1 to ~~15,~~ *14.2*, inclusive, *and 15 of this act* and subsection 1 of section 16 of this act become effective on June 30, 1997.

2. *Section 14.3 of this act becomes effective at 12:01 a.m. on June 30, 1997.*

3. Subsection 2 of section 16 of this act becomes effective at 12:01 a.m. on July 1, 1997.

2. Chapter 542, Statutes of Nevada 1997, at page 2574, is hereby amended by adding thereto new sections to be designated as sections 14.1, 14.2 and 14.3, immediately following section 14, to read respectively as follows:

Sec. 14.1. Section 88 of chapter 447, Statutes of Nevada 1997, at page 1633, is hereby amended to read as follows:

Sec. 88. 1. This section and sections 1 to 3, inclusive, sections 5 to 13, inclusive, sections 15 to 19, inclusive, sections

21 to 29, inclusive, sections 33 to **39, inclusive, sections 41 to 87, inclusive,** and section 89 of this act become effective upon passage and approval.

2. Sections 20, 30, 31 and 32 of this act become effective at 12:01 a.m. on July 1, 1997.

3. Sections 4 and 14 of this act become effective at 12:01 a.m. on October 1, 1997.

Sec. 14.2. Section 345 of chapter 482, Statutes of Nevada 1997, at page 2023, is hereby amended to read as follows:

Sec. 345. 1. This section and sections 4, 20, 21, 22, 27 to 54, inclusive, 230 to 233, inclusive, 320 to 326, inclusive, 334, 335 to 344, inclusive, 346 and 347 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 5 to 19, inclusive, 23 to 26, inclusive, 55 to 70, inclusive, 71 to 150, inclusive, 152 to 172, inclusive, 174, 176, 178 to 221, inclusive, 223 to 229, inclusive, 234 to **278, inclusive, 280 to** 319, inclusive, 327, 328, 329, 331 to 333.5, inclusive, and 334.5 of this act become effective on October 1, 1997.

3. Sections 151, 222 and 330 of this act become effective at 12:01 a.m. on October 1, 1997.

4. Sections 173, 175 and 177 of this act become effective on the date that the provisions of 49 U.S.C. § 11501 are repealed or judicially declared to be invalid.

Sec. 14.3. Section 21 of chapter 585, Statutes of Nevada 1997, at page 2883, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 11.5 and 16 to 20, inclusive, of this act become effective on June 30, 1997.

2. Sections 1 to ~~11,~~ **8,** inclusive, **11** and 12 to 15, inclusive, of this act become effective upon passage and approval.

Sec. 72. Sections 8 and 30 of chapter 545, Statutes of Nevada 1997, at pages 2584 and 2592, respectively, are hereby amended to read respectively as follows:

Sec. 8. NRS 417.070 is hereby amended to read as follows:

417.070 1. The office of the ~~commissioner~~ **executive director** must be located in the same city where the state regional office of the **United States** Department of Veterans Affairs maintains its state administrative bureau, and if that office is discontinued in the State of Nevada, then at such place as the governor may designate.

2. The office of the deputy ~~commissioner~~ **executive director** must be maintained at Las Vegas, Nevada.

1 3. The deputy ~~commissioner~~ *executive director shall report*
2 *to the executive director and* shall assist the ~~commissioner~~
3 *executive director* in performing the duties prescribed in this
4 chapter.

5 Sec. 30. Section 2 of Assembly Bill No. 188 of this session is
6 hereby amended to read as follows:

7 Sec. 2. 1. The board of county commissioners of any
8 county may create by ordinance the office of coordinator of
9 services for veterans. If such an office is created, the board shall
10 appoint a qualified veteran to hold the office and the board shall
11 establish his compensation.

12 2. The coordinator of services for veterans shall:

13 (a) Assist a veteran or his spouse or dependent, if the person
14 requesting assistance is a resident of the county, in preparing,
15 submitting and pursuing any claim that the person has against the
16 United States, or any state, to establish his right to any privilege,
17 preference, care or compensation to which he believes that he is
18 entitled;

19 (b) Aid, assist and cooperate with the ~~Nevada commissioner~~
20 *executive director* for veteran affairs and the ~~Nevada deputy~~
21 ~~commissioner~~ *deputy executive director* for veteran affairs and
22 with the Nevada veterans' ~~advisory~~ *services* commission;

23 (c) Disseminate information relating to veterans' benefits in
24 cooperation with the ~~Nevada commissioner~~ *executive director*
25 for veteran affairs and the ~~Nevada deputy commissioner~~ *deputy*
26 *executive director* for veteran affairs; and

27 (d) Perform such other services related to assisting a veteran,
28 his spouse or his dependent as requested by the board of county
29 commissioners.

30 3. Two or more counties jointly may create one office of
31 coordinator of services for veterans to serve those counties.

32 **Sec. 73.** 1. Sections 4, 6, 10 and 11 of chapter 547, Statutes of
33 Nevada 1997, at pages 2595, 2597 and 2598, are hereby amended to read
34 respectively as follows:

35 Sec. 4. NRS 360.245 is hereby amended to read as follows:

36 360.245 1. All decisions of the executive director or other
37 officer of the department made pursuant to subsection 2 of NRS
38 360.130 are final unless appealed to the *Nevada* tax commission as
39 provided by law. Any natural person, partnership, corporation,
40 association or other business or legal entity may so appeal by filing
41 a notice of appeal with the department within 30 days after service
42 of the decision upon that person or business or legal entity.

1 2. Service of the decision must be made personally or by
2 certified mail. If service is made by certified mail:

3 (a) The decision must be enclosed in an envelope which is
4 addressed to the taxpayer at his address as it appears in the records
5 of the department.

6 (b) It is deemed to be complete at the time the appropriately
7 addressed envelope containing the decision is deposited with the
8 United States Postal Service.

9 3. The Nevada tax commission, as head of the department, may
10 review all other decisions made by the executive director and may
11 reverse, affirm or modify them.

12 4. *A decision of the Nevada tax commission is a final decision*
13 *for the purposes of judicial review. The executive director or any*
14 *other employee or representative of the department shall not seek*
15 *judicial review of such a decision.*

16 5. *The Nevada tax commission shall provide by regulation*
17 *for:*

18 (a) *Notice to each county of any decision upon an appeal to*
19 *the commission that the commission determines is likely to affect*
20 *the revenue of the county or other local government. The*
21 *regulations must specify the form and contents of the notice and*
22 *requirements for the number of days before a meeting of the*
23 *commission that the notice must be transmitted to the county or*
24 *counties. Upon receipt of such a notice the county shall transmit*
25 *a copy of the notice to each local government within the county*
26 *which it determines is likely to be affected by the decision.*

27 (b) *The manner in which a county or other local government*
28 *which is not a party to such an appeal may become a party, and*
29 *the procedure for its participation in the appeal.*

30 6. *A county or other local government which is a party and is*
31 *aggrieved by the decision of the Nevada tax commission is*
32 *entitled to seek judicial review of the decision.*

33 7. Upon application by a taxpayer, the Nevada tax commission
34 shall review the denial of relief pursuant to section 7 of ~~this act~~
35 *Assembly Bill No. 644 of this session* and may grant, deny or
36 modify the relief sought.

37 Sec. 6. NRS 360.291 is hereby amended to read as follows:

38 360.291 The legislature hereby declares that each taxpayer has
39 the right:

40 1. To be treated by officers and employees of the department
41 with courtesy, fairness, uniformity, consistency and common sense.

42 2. To a prompt response from the department to each
43 communication from the taxpayer.

1 3. To provide the minimum documentation and other
2 information as may reasonably be required by the department to
3 carry out its duties.

4 4. To written explanations of common errors, oversights and
5 violations that taxpayers experience and instructions on how to
6 avoid such problems.

7 5. To be informed by the department whenever its officer,
8 employee or agent determines that the taxpayer is entitled to an
9 exemption or has been taxed or assessed more than is required by
10 law.

11 6. To written instructions indicating how the taxpayer may
12 petition for:

13 (a) An adjustment of an assessment; or

14 (b) A refund or credit for overpayment of taxes, interest or
15 penalties.

16 7. To recover an overpayment of taxes promptly upon the final
17 determination of such an overpayment.

18 8. To obtain specific advice from the department concerning
19 taxes imposed by the state.

20 9. In any meeting with the department, including an audit,
21 conference, interview or hearing:

22 (a) To an explanation by an officer or employee of the
23 department that describes the procedures to be followed and the
24 taxpayer's rights thereunder;

25 (b) To be represented by himself or anyone who is otherwise
26 authorized by law to represent him before the department;

27 (c) To make an audio recording using the taxpayer's own
28 equipment and at the taxpayer's own expense; and

29 (d) To receive a copy of any document or audio recording made
30 by or in the possession of the department relating to the
31 determination or collection of any tax for which the taxpayer is
32 assessed, upon payment of the actual cost to the department of
33 making the copy.

34 10. To a full explanation of the department's authority to assess
35 a tax or to collect delinquent taxes, including the procedures and
36 notices for review and appeal that are required for the protection of
37 the taxpayer. *An explanation which meets the requirements of this
38 section must also be included with each notice to a taxpayer that
39 an audit will be conducted by the department.*

40 11. To the immediate release of any lien which the department
41 has placed on real or personal property for the nonpayment of any
42 tax when:

43 (a) The tax is paid;

- (b) The period of limitation for collecting the tax expires;
- (c) The lien is the result of an error by the department;
- (d) The department determines that the taxes, interest and penalties are secured sufficiently by a lien on other property;
- (e) The release or subordination of the lien will not jeopardize the collection of the taxes, interest and penalties;
- (f) The release of the lien will facilitate the collection of the taxes, interest and penalties; or
- (g) The department determines that the lien is creating an economic hardship.

12. To the release or reduction of a bond required by the department in accordance with applicable statutes and regulations.

13. To be free from investigation and surveillance by an officer, agent or employee of the department for any purpose that is not directly related to the administration of the provisions of this Title.

14. To be free from harassment and intimidation by an officer, agent or employee of the department for any reason.

Sec. 10. NRS 360.417 is hereby amended to read as follows:

360.417 Unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 364A, 365, 369, 370, 372, 373, 374, 377, 377A, 444A or 585 of NRS, or fee provided for in NRS 482.313 or 590.700 to 590.920, inclusive, to the state or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the department, in addition to the tax or fee, plus interest at the rate of ~~1.5~~ 1 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment.

Sec. 11. 1. This section and ~~sections 1 to 9, inclusive,~~ *section 10.1 of this act become effective on June 30, 1997.*

2. *Sections 1, 2, 3, 5, 7, 8 and 9 of this act become effective on July 1, 1997.*

~~2.1~~ 3. *Section 6 of this act becomes effective at 12:01 a.m. on July 1, 1997.*

4. *Section 4 of this act becomes effective at 12:02 a.m. on July 1, 1997.*

5. Section 10 of this act becomes effective on July 1, 1999.

1 2. Chapter 547, Statutes of Nevada 1997, at page 2598, is hereby
2 amended by adding thereto a new section to be designated as section 10.1,
3 immediately following section 10, to read as follows:

4 Sec. 10.1. Sections 1 and 50 of chapter 446, Statutes of
5 Nevada 1997, at pages 1567 and 1590, respectively, are hereby
6 amended to read respectively as follows:

7 Section 1. NRS 360.245 is hereby amended to read as
8 follows:

9 360.245 1. All decisions of the executive director or other
10 officer of the department made pursuant to subsection 2 of NRS
11 360.130 are final unless appealed to the tax commission as
12 provided by law. Any natural person, partnership, corporation,
13 association or other business or legal entity may so appeal by
14 filing a notice of appeal with the department within 30 days after
15 service of the decision upon that person or business or legal
16 entity.

17 2. Service of the decision must be made personally or by
18 certified mail. If service is made by certified mail:

19 (a) The decision must be enclosed in an envelope which is
20 addressed to the taxpayer at his address as it appears in the
21 records of the department.

22 (b) It is deemed to be complete at the time the appropriately
23 addressed envelope containing the decision is deposited with the
24 United States Postal Service.

25 3. The Nevada tax commission, as head of the department,
26 may review all other decisions made by the executive director
27 and may reverse, affirm or modify them.

28 4. *Upon application by a taxpayer, the Nevada tax*
29 *commission shall review the denial of relief pursuant to section*
30 *7 of this act and may grant, deny or modify the relief sought.*

31 Sec. 50. 1. This section and sections ~~14~~ 2 to 15, inclusive,
32 17 to 43, inclusive, 45 to 48, inclusive, and subsection 2 of
33 section 49 of this act become effective on July 1, 1997.

34 2. ~~{Subsection}~~ *Section 1 and subsection* 1 of section 49 of
35 this act ~~{becomes}~~ *become* effective at 12:01 a.m. on July 1,
36 1997.

37 3. Section 44 of this act becomes effective on October 1,
38 1997.

39 4. Section 16 of this act becomes effective on July 1, 1998.

1 **Sec. 74.** 1. Sections 14, 30, 30.5, 31, 33, 36, 40, 48, 49, 50, 54.5, 55,
2 61, 64, 66, 69, 72 and 89 of chapter 550, Statutes of Nevada 1997, at pages
3 2607, 2615, 2616, 2618, 2620 to 2623, inclusive, 2626, 2628, 2630, 2631
4 and 2644, are hereby amended to read respectively as follows:

5 Sec. 14. NRS 233B.039 is hereby amended to read as follows:

6 233B.039 1. The following agencies are entirely exempted
7 from the requirements of this chapter:

- 8 (a) The governor.
9 (b) The department of prisons.
10 (c) The University and Community College System of Nevada.
11 (d) The office of the military.
12 (e) The state gaming control board.
13 (f) The Nevada gaming commission.
14 (g) The welfare division of the department of human resources.
15 (h) *The division of health care financing and policy of the*
16 *department of human resources.*

17 (i) The state board of examiners acting pursuant to chapter 217
18 of NRS.

19 ~~(i)~~ (j) Except as otherwise provided in NRS 533.365, the
20 office of the state engineer.

21 2. Except as otherwise provided in NRS 391.323, the
22 department of education, the committee on benefits and the
23 commission on professional standards in education are subject to
24 the provisions of this chapter for the purpose of adopting
25 regulations but not with respect to any contested case.

26 3. The special provisions of:

27 (a) Chapter 612 of NRS for the distribution of regulations by and
28 the judicial review of decisions of the employment security division
29 of the department of employment, training and rehabilitation;

30 (b) Chapters 616A to 617, inclusive, of NRS for the
31 determination of contested claims;

32 (c) Chapter 703 of NRS for the judicial review of decisions of
33 the public service commission of Nevada;

34 (d) Chapter 91 of NRS for the judicial review of decisions of the
35 administrator of the securities division of the office of the secretary
36 of state; and

37 (e) NRS 90.800 for the use of summary orders in contested
38 cases,
39 prevail over the general provisions of this chapter.

40 4. The provisions of NRS 233B.122, 233B.124, 233B.125 and
41 233B.126 do not apply to the department of human resources in the
42 adjudication of contested cases involving the issuance of letters of
43 approval for health facilities and agencies.

1 5. The provisions of this chapter do not apply to:

2 (a) Any order for immediate action, including, but not limited to,
3 quarantine and the treatment or cleansing of infected or infested
4 animals, objects or premises, made under the authority of the state
5 board of agriculture, the state board of health, the state board of
6 sheep commissioners or any other agency of this state in the
7 discharge of a responsibility for the preservation of human or
8 animal health or for insect or pest control; or

9 (b) An extraordinary regulation of the state board of pharmacy
10 adopted pursuant to NRS 453.2184.

11 6. The state board of parole commissioners is subject to the
12 provisions of this chapter for the purpose of adopting regulations
13 but not with respect to any contested case.

14 Sec. 30. NRS 422.001 is hereby amended to read as follows:

15 422.001 As used in this chapter, unless the context otherwise
16 requires, the words and terms defined in NRS ~~[422.005]~~ **422.010** to
17 422.055, inclusive, section 2 of Assembly Bill No. 13 of this
18 session, ~~[and]~~ sections 3 and 4 of ~~[this act]~~ **Assembly Bill No. 401**
19 **of this session and section 16 of this act** have the meanings
20 ascribed to them in those sections.

21 Sec. 30.5. NRS 422.050 is hereby amended to read as follows:

22 422.050 “Public assistance” includes:

- 23 1. State supplementary assistance;
24 2. Temporary assistance for needy families;
25 3. Medicaid;
26 4. Food stamp assistance;
27 5. Low-income home energy assistance;
28 6. ~~[Low income weatherization assistance;~~
29 ~~—7.]~~ The program for child care and development; and
30 ~~[8.]~~ **7.** Benefits provided pursuant to any other public welfare
31 program administered by the welfare division pursuant to such
32 additional federal legislation as is not inconsistent with the purposes
33 of this chapter.

34 Sec. 31. NRS 422.050 is hereby amended to read as follows:

35 422.050 “Public assistance” includes:

- 36 1. State supplementary assistance;
37 2. Temporary assistance for needy families;
38 3. Medicaid;
39 4. Food stamp assistance;
40 5. Low-income home energy assistance;
41 6. The program for child care and development; and
42 7. Benefits provided pursuant to any other public welfare
43 program administered by the welfare division **or the division of**

1 *health care financing and policy* pursuant to such additional
2 federal legislation as is not inconsistent with the purposes of this
3 chapter.

4 Sec. 33. NRS 422.110 is hereby amended to read as follows:

5 422.110 1. The members of the board shall meet twice each
6 calendar year to consider any issues related to public assistance and
7 other programs for which the welfare division is responsible that
8 may be of importance to members of the general public, the
9 governor or the welfare division, at such places as the board, the
10 chairman of the board, the *state welfare* administrator or the
11 director deems appropriate.

12 2. Four members of the board constitute a quorum, and a
13 quorum may exercise all the power and authority conferred on the
14 board.

15 3. The board shall:

16 (a) At least 45 days before the date it holds a meeting, provide
17 public notice of the date, time and location of the meeting, in
18 addition to the notice required pursuant to NRS 241.020.

19 (b) Keep minutes of all meetings of the board, which must
20 include records of testimony and written comments presented to the
21 board, and file the minutes with the welfare division. The minutes
22 must be maintained as public records.

23 Sec. 36. NRS 422.141 is hereby amended to read as follows:

24 422.141 1. Before adopting, amending or repealing any
25 regulation for the administration of a program of public assistance
26 or any other program for which the welfare division is responsible,
27 the *state welfare* administrator shall give at least 30 days' notice of
28 his intended action.

29 2. The notice of intent to act upon a regulation must:

30 (a) Include a statement of the need for and purpose of the
31 proposed regulation, and either the terms or substance of the
32 proposed regulation or a description of the subjects and issues
33 involved, and of the time when, the place where, and the manner in
34 which, interested persons may present their views thereon.

35 (b) Include a statement identifying the entities that may be
36 financially affected by the proposed regulation and the potential
37 financial impact, if any, upon local government.

38 (c) State each address at which the text of the proposed
39 regulation may be inspected and copied.

40 (d) Be mailed to all persons who have requested in writing that
41 they be placed upon a mailing list, which must be kept by the *state*
42 *welfare* administrator for that purpose.

1 3. All interested persons must be afforded a reasonable
2 opportunity to submit data, views or arguments upon a proposed
3 regulation, orally or in writing. The *state welfare* administrator shall
4 consider fully all oral and written submissions relating to the
5 proposed regulation.

6 4. The *state welfare* administrator shall keep, retain and make
7 available for public inspection written minutes of each public
8 hearing held pursuant to this section in the manner provided in
9 subsections 1 and 2 of NRS 241.035.

10 5. The *state welfare* administrator may record each public
11 hearing held pursuant to this section and make those recordings
12 available for public inspection in the manner provided in subsection
13 4 of NRS 241.035.

14 6. No objection to any regulation on the ground of
15 noncompliance with the procedural requirements of this section
16 may be made more than 2 years after its effective date.

17 Sec. 40. NRS 422.180 is hereby amended to read as follows:

18 422.180 The *state welfare* administrator:

19 1. Shall serve as the executive officer of the welfare division.

20 2. Shall establish policies for the administration of the
21 programs of the welfare division and shall administer all activities
22 and services of the welfare division in accordance with those
23 policies and any regulations of the *state welfare* administrator,
24 subject to administrative supervision by the director.

25 3. Is responsible for the management of the welfare division.

26 Sec. 48. NRS 422.236 is hereby amended to read as follows:

27 422.236 1. As part of the health and welfare programs of this
28 state, the welfare division *or the division of health care financing*
29 *and policy* may provide prenatal care to pregnant women who are
30 indigent, or may contract for the provision of that care, at public or
31 nonprofit hospitals in this state.

32 2. The welfare division *or the division of health care*
33 *financing and policy* shall provide to each person licensed to
34 engage in social work pursuant to chapter 641B of NRS, each
35 applicant for Medicaid and any other interested person, information
36 concerning the prenatal care available pursuant to this section.

37 3. The welfare division *or the division of health care*
38 *financing and policy* shall adopt regulations setting forth criteria of
39 eligibility and rates of payment for prenatal care provided pursuant
40 to the provisions of this section, and such other provisions relating
41 to the development and administration of the program for prenatal
42 care as the *state welfare* administrator *or the administrator of the*

1 *division of health care financing and policy, as applicable*, deems
2 necessary.

3 Sec. 49. NRS 422.237 is hereby amended to read as follows:

4 422.237 1. The ~~{administrator}~~ *director* shall adopt each state
5 plan required by the Federal Government, either directly or as a
6 condition to the receipt of federal money, for the administration of
7 any public assistance or other program for which the welfare
8 division *or the division of health care financing and policy* is
9 responsible. Such a plan must set forth, regarding the particular
10 program to which the plan applies:

- 11 (a) The requirements for eligibility;
12 (b) The nature and amounts of grants and other assistance which
13 may be provided;
14 (c) The conditions imposed; and
15 (d) Such other provisions relating to the development and
16 administration of the program as the ~~{administrator}~~ *director* deems
17 necessary.

18 ~~{Such a plan becomes effective upon adoption or such other date as~~
19 ~~the administrator specifies in the plan.}~~

20 2. In developing and revising such a plan, the ~~{administrator}~~
21 *director* shall consider, among other things:

- 22 (a) The amount of money available from the Federal
23 Government;
24 (b) The conditions attached to the acceptance of that money; and
25 (c) The limitations of legislative appropriations and
26 authorizations,
27 for the particular program to which the plan applies.

28 3. The welfare division shall ~~{~~
29 ~~–(a) Make}~~ *make* available to members of the general public a
30 summary of the state plan for temporary assistance for needy
31 families established pursuant to this section . ~~{;and~~

32 ~~–(b) Comply}~~

33 4. *The welfare division and the division of health care*
34 *financing and policy shall comply* with each state plan adopted
35 pursuant to this section.

36 Sec. 50. NRS 422.238 is hereby amended to read as follows:

37 422.238 ~~{1.}~~ The *state welfare* administrator may adopt such
38 regulations as are necessary for the administration of NRS ~~{422.070~~
39 ~~to 422.410,}~~ *422.060, 422.160 to 422.2345, inclusive, 422.238,*
40 *422.250, 422.2935 to 422.294, inclusive, 422.296 to 422.299,*
41 *inclusive, and 422.310 to 422.377, inclusive, sections 6 to 25,*
42 *inclusive, of* ~~{this act}~~ *Assembly Bill No. 401 of this session* and
43 any program of the welfare division.

~~[2.—A regulation adopted by the administrator becomes effective upon adoption or such other date as the administrator specifies in the regulation.]~~

Sec. 54.5. NRS 422.270 is hereby amended to read as follows:

422.270 The department, through the welfare division, shall:

1. Except as otherwise provided in NRS 432.010 to 432.085, inclusive, administer all public welfare programs of this state, including:

- (a) State supplementary assistance;
- (b) Temporary assistance for needy families;
- (c) Medicaid;
- (d) Food stamp assistance;
- (e) Low-income home energy assistance;
- (f) ~~Low-income weatherization assistance;~~

~~—(g)]~~ The program for child care and development;

~~[(h)]~~ (g) The program for the enforcement of child support; and

~~[(i)]~~ (h) Other welfare activities and services provided for by the laws of this state.

2. Act as the single state agency of the State of Nevada and its political subdivisions in the administration of any federal money granted to the state to aid in the furtherance of any of the services and activities set forth in subsection 1.

3. Cooperate with the Federal Government in adopting state plans, in all matters of mutual concern, including adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of welfare programs, and in increasing the efficiency of welfare programs by prompt and judicious use of new federal grants which will assist the welfare division in carrying out the provisions of NRS 422.070 to 422.410, inclusive, and sections 6 to 25, inclusive, of ~~this act.~~ **Assembly Bill No. 401 of this session.**

4. Observe and study the changing nature and extent of welfare needs and develop through tests and demonstrations effective ways of meeting those needs and employ or contract for personnel and services supported by legislative appropriations from the state general fund or money from federal or other sources.

5. Enter into reciprocal agreements with other states relative to public assistance, welfare services and institutional care, when deemed necessary or convenient by the administrator.

6. Make such agreements with the Federal Government as may be necessary to carry out the supplemental security income program.

1 Sec. 55. NRS 422.270 is hereby amended to read as follows:
2 422.270 The department ~~{, through the welfare division, shall:~~
3 ~~—1. Except as otherwise provided in NRS 432.010 to 432.085,~~
4 ~~inclusive, administer}~~ **shall:**

5 **1. Administer** all public welfare programs of this state,
6 including:
7 (a) State supplementary assistance;
8 (b) Temporary assistance for needy families;
9 (c) Medicaid;
10 (d) Food stamp assistance;
11 (e) Low-income home energy assistance;
12 (f) The program for child care and development;
13 (g) The program for the enforcement of child support; and
14 (h) Other welfare activities and services provided for by the laws
15 of this state.

16 2. Act as the single state agency of the State of Nevada and its
17 political subdivisions in the administration of any federal money
18 granted to the state to aid in the furtherance of any of the services
19 and activities set forth in subsection 1.

20 3. Cooperate with the Federal Government in adopting state
21 plans, in all matters of mutual concern, including adoption of
22 methods of administration found by the Federal Government to be
23 necessary for the efficient operation of welfare programs, and in
24 increasing the efficiency of welfare programs by prompt and
25 judicious use of new federal grants which will assist the ~~{welfare~~
26 ~~division}~~ **department** in carrying out the provisions of ~~{NRS~~
27 ~~422.070 to 422.410, inclusive, and sections 6 to 25, inclusive, of~~
28 ~~Assembly Bill No. 401 of this session.}~~ **this chapter.**

29 4. Observe and study the changing nature and extent of welfare
30 needs and develop through tests and demonstrations effective ways
31 of meeting those needs and employ or contract for personnel and
32 services supported by legislative appropriations from the state
33 general fund or money from federal or other sources.

34 5. Enter into reciprocal agreements with other states relative to
35 public assistance, welfare services and institutional care, when
36 deemed necessary or convenient by the ~~{administrator.}~~ **director.**

37 6. Make such agreements with the Federal Government as may
38 be necessary to carry out the supplemental security income
39 program.

40 Sec. 61. NRS 422.2935 is hereby amended to read as follows:
41 422.2935 1. Except as otherwise provided in this section, the
42 welfare division shall, to the extent it is not prohibited by federal
43 law and when circumstances allow:

1 (a) Recover benefits correctly paid for Medicaid from:

2 (1) The undivided estate of the person who received those
3 benefits; and

4 (2) Any recipient of money or property from the undivided
5 estate of the person who received those benefits.

6 (b) Recover from the recipient of Medicaid or the person who
7 signed the application for Medicaid on behalf of the recipient an
8 amount not to exceed the benefits incorrectly paid to the recipient if
9 the person who signed the application:

10 (1) Failed to report any required information to the welfare
11 division which he knew at the time he signed the application; or

12 (2) Failed within the period allowed by the welfare division to
13 report any required information to the welfare division which he
14 obtained after he filed the application.

15 2. The welfare division shall not recover benefits pursuant to
16 paragraph (a) of subsection 1, except from a person who is neither a
17 surviving spouse nor a child, until after the death of the surviving
18 spouse, if any, and only at a time when the person who received the
19 benefits has no surviving child who is under 21 years of age or is
20 blind or permanently and totally disabled.

21 3. Except as otherwise provided by federal law, if a transfer of
22 real or personal property by a recipient of Medicaid is made for less
23 than fair market value, the welfare division may pursue any remedy
24 available pursuant to chapter 112 of NRS with respect to the
25 transfer.

26 4. The amount of Medicaid paid to or on behalf of a person is a
27 claim against the estate in any probate proceeding only at a time
28 when there is no surviving spouse or surviving child who is under
29 21 years of age or is blind or permanently and totally disabled.

30 5. The *state welfare* administrator may elect not to file a claim
31 against the estate of a recipient of Medicaid or his spouse if he
32 determines that the filing of the claim will cause an undue hardship
33 for the spouse or other survivors of the recipient. The *state welfare*
34 administrator shall adopt regulations defining the circumstances that
35 constitute an undue hardship.

36 6. Any recovery of money obtained pursuant to this section
37 must be applied first to the cost of recovering the money. Any
38 remaining money must be divided among the Federal Government,
39 the department and the county in the proportion that the amount of
40 assistance each contributed to the recipient bears to the total amount
41 of the assistance contributed.

42 7. An action to recover money owed to the department ~~for~~
43 ~~human resources~~ as a result of the payment of benefits for

1 Medicaid must be commenced within 6 months after the cause of
2 action accrues. A cause of action accrues after all of the following
3 events have occurred:

- 4 (a) The death of the recipient of Medicaid;
5 (b) The death of the surviving spouse of the recipient of
6 Medicaid;
7 (c) The death of all children of the recipient of Medicaid who
8 are blind or permanently and totally disabled as determined in
9 accordance with 42 U.S.C. § 1382c; and
10 (d) The arrival of all other children of the recipient of Medicaid
11 at the age of 21 years.

12 Sec. 64. NRS 422.298 is hereby amended to read as follows:

13 422.298 1. A decision or order issued by a hearing officer
14 must be in writing. A final decision must include findings of fact
15 and conclusions of law, separately stated. Findings of fact, if set
16 forth in statutory or regulatory language, must be accompanied by a
17 concise and explicit statement of the underlying facts supporting the
18 findings. A copy of the decision or order must be delivered by
19 certified mail to each party and to his attorney or other
20 representative.

21 2. The welfare division or an applicant for or recipient of
22 public assistance may, at any time within 90 days after the date on
23 which the written notice of the decision is mailed, petition the
24 district court of the judicial district in which the applicant for or
25 recipient of public assistance resides to review the decision. The
26 district court shall review the decision on the record of the case
27 before the hearing officer. The decision and record must be certified
28 as correct and filed with the clerk of the court by the *state welfare*
29 administrator.

30 Sec. 66. NRS 422.2997 is hereby amended to read as follows:

31 422.2997 1. Upon receipt of a request for a hearing from a
32 provider of services under the state plan for Medicaid, the ~~{welfare}~~
33 division *of health care financing and policy* shall appoint a hearing
34 officer to conduct the hearing. Any employee or other
35 representative of the ~~{welfare}~~ division *of health care financing*
36 *and policy* who investigated or made the initial decision regarding
37 the action taken against a provider of services may not be appointed
38 as the hearing officer or participate in the making of any decision
39 pursuant to the hearing.

40 2. The ~~{welfare}~~ division *of health care financing and policy*
41 shall adopt regulations prescribing the procedures to be followed at
42 the hearing.

1 3. The decision of the hearing officer is a final decision. Any
2 party, including the ~~{welfare division,}~~ **division of health care**
3 **financing and policy**, who is aggrieved by the decision of the
4 hearing officer may appeal that decision to the district court. The
5 review of the court must be confined to the record. The court shall
6 not substitute its judgment for that of the hearing officer as to the
7 weight of the evidence on questions of fact. The court may affirm
8 the decision of the hearing officer or remand the case for further
9 proceedings. The court may reverse or modify the decision if
10 substantial rights of the appellant have been prejudiced because the
11 administrative findings, inferences, conclusions or decisions are:

- 12 (a) In violation of constitutional or statutory provisions;
13 (b) In excess of the statutory authority of the ~~{welfare division,}~~
14 **division of health care financing and policy;**
15 (c) Made upon unlawful procedure;
16 (d) Affected by other error of law;
17 (e) Clearly erroneous in view of the reliable, probative and
18 substantial evidence on the whole record; or
19 (f) Arbitrary or capricious or characterized by abuse of
20 discretion or clearly unwarranted exercise of discretion.

21 Sec. 69. NRS 422.377 is hereby amended to read as follows:

22 422.377 The **state welfare** administrator:

- 23 1. Shall adopt regulations for the administration of the
24 program;
25 2. Shall report to the interim finance committee quarterly
26 concerning the regulations adopted by the welfare division for the
27 administration of the program;
28 3. May contract with any state or private agency to provide any
29 of the services of the program; and
30 4. May receive a grant of money from the Federal Government
31 or any other source to defray the costs of the program.

32 Sec. 72. NRS 422.385 is hereby amended to read as follows:

33 422.385 1. The allocations and payments required pursuant to
34 NRS 422.387 must be made, to the extent allowed by the state plan
35 for Medicaid, from the Medicaid budget account.

36 2. Except as otherwise provided in subsection 3, the money in
37 the intergovernmental transfer account must be transferred from that
38 account to the Medicaid budget account to the extent that money is
39 available from the Federal Government for proposed expenditures,
40 including expenditures for administrative costs. If the amount in the
41 account exceeds the amount authorized for expenditure by the
42 ~~{department}~~ **division of health care financing and policy** for the
43 purposes specified in NRS 422.387, the ~~{department}~~ **division of**

1 *health care financing and policy* is authorized to expend the
2 additional revenue in accordance with the provisions of the state
3 plan for Medicaid.

4 3. If enough money is available to support Medicaid, money in
5 the intergovernmental transfer account may be transferred to an
6 account established for the provision of health care services to
7 uninsured children who are under the age of 13 years pursuant to a
8 federal program in which at least 50 percent of the cost of such
9 services is paid for by the Federal Government, if enough money is
10 available to continue to satisfy existing obligations of the Medicaid
11 program or to carry out the provisions of sections 2 and 3 of ~~this~~
12 ~~act.~~ *Senate Bill No. 470 of this session.*

13 Sec. 89. 1. This section and sections 2 to ~~14.1,~~ 13,
14 inclusive, 14.1, 14.3 to 29, inclusive, 32 ~~to 43, inclusive,~~, 34, 35,
15 37, 38, 39, 41, 42, 43, 45, 47, ~~49~~ 51 to 54, inclusive, 56, 57, 59,
16 63, ~~64, 67 to 71, inclusive, and~~ 67, 68, 70, 71, 74 to 80.4,
17 inclusive, 80.7 and 81 to 88, inclusive, of this act become effective
18 on July 1, 1997.

19 2. Sections 1, ~~30, 30.5,~~ 14, 33, 36, 40, 44, 46, ~~48, 54.5,~~ 49,
20 50, 58, 60, ~~61,~~ 62, 64, 65, 66, 69, ~~72 and~~ 73, 80.5 and 80.6 of
21 this act become effective at 12:01 a.m. on July 1, 1997.

22 3. Sections ~~31 and 55~~ 30, 30.5, 48, 54.5, 61 and 72 of this act
23 become effective at 12:02 a.m. on July 1, 1997.

24 4. *Sections 31 and 55 of this act become effective at 12:03*
25 *a.m. on July 1, 1997.*

26 5. Section 14.2 of this act becomes effective on July 1, 1998.

27 ~~5-~~ 6. Sections 1 to 14.4, inclusive, 15 to 30, inclusive, 31 to
28 54, inclusive, 55 to 80.3, inclusive, 80.5, 80.6, 80.7 and 84 of this
29 act, and subsection 1 of section 81 of this act, expire by limitation
30 on June 30, 1999.

31 2. Chapter 550, Statutes of Nevada 1997, at page 2641, is hereby
32 amended by adding thereto new sections to be designated as sections 80.4
33 to 80.7, inclusive, immediately following section 80.3, to read respectively
34 as follows:

35 Sec. 80.4. Section 253 of chapter 482, Statutes of Nevada
36 1997, at page 1973, is hereby amended to read as follows:

37 Sec. 253. NRS 233B.039 is hereby amended to read as
38 follows:

39 233B.039 1. The following agencies are entirely exempted
40 from the requirements of this chapter:

41 (a) The governor.

42 (b) The department of prisons.

1 (c) The University and Community College System of
2 Nevada.

3 (d) The office of the military.

4 (e) The state gaming control board.

5 (f) The Nevada gaming commission.

6 (g) The welfare division of the department of human
7 resources.

8 (h) The state board of examiners acting pursuant to chapter
9 217 of NRS.

10 (i) Except as otherwise provided in NRS 533.365, the office
11 of the state engineer.

12 2. Except as otherwise provided in NRS 391.323, the
13 department of education, the committee on benefits and the
14 commission on professional standards in education are subject to
15 the provisions of this chapter for the purpose of adopting
16 regulations but not with respect to any contested case.

17 3. The special provisions of:

18 (a) Chapter 612 of NRS for the distribution of regulations by
19 and the judicial review of decisions of the employment security
20 division of the department of employment, training and
21 rehabilitation;

22 (b) Chapters 616A to 617, inclusive, of NRS for the
23 determination of contested claims;

24 (c) Chapter 703 of NRS for the judicial review of decisions of
25 the public ~~service~~ utilities commission of Nevada;

26 (d) Chapter 91 of NRS for the judicial review of decisions of
27 the administrator of the securities division of the office of the
28 secretary of state; and

29 (e) NRS 90.800 for the use of summary orders in contested
30 cases,
31 prevail over the general provisions of this chapter.

32 4. The provisions of NRS 233B.122, 233B.124, 233B.125
33 and 233B.126 do not apply to the department of human resources
34 in the adjudication of contested cases involving the issuance of
35 letters of approval for health facilities and agencies.

36 5. The provisions of this chapter do not apply to:

37 (a) Any order for immediate action, including, but not limited
38 to, quarantine and the treatment or cleansing of infected or
39 infested animals, objects or premises, made under the authority of
40 the state board of agriculture, the state board of health, the state
41 board of sheep commissioners or any other agency of this state in
42 the discharge of a responsibility for the preservation of human or
43 animal health or for insect or pest control; or

1 (b) An extraordinary regulation of the state board of pharmacy
2 adopted pursuant to NRS 453.2184.

3 6. The state board of parole commissioners is subject to the
4 provisions of this chapter for the purpose of adopting regulations
5 but not with respect to any contested case.

6 Sec. 80.5. Section 80.4 of this act is hereby amended to read as
7 follows:

8 Sec. 80.4. Section 253 of chapter 482, Statutes of Nevada
9 1997, at page 1973, is hereby amended to read as follows:

10 Sec. 253. NRS 233B.039 is hereby amended to read as
11 follows:

12 233B.039 1. The following agencies are entirely
13 exempted from the requirements of this chapter:

14 (a) The governor.

15 (b) The department of prisons.

16 (c) The University and Community College System of
17 Nevada.

18 (d) The office of the military.

19 (e) The state gaming control board.

20 (f) The Nevada gaming commission.

21 (g) The welfare division of the department of human
22 resources.

23 (h) The division of health care financing and policy of the
24 department of human resources.

25 (i) The state board of examiners acting pursuant to chapter
26 217 of NRS.

27 (j) Except as otherwise provided in NRS 533.365, the
28 office of the state engineer.

29 2. Except as otherwise provided in NRS 391.323, the
30 department of education, the committee on benefits and the
31 commission on professional standards in education are subject
32 to the provisions of this chapter for the purpose of adopting
33 regulations but not with respect to any contested case.

34 3. The special provisions of:

35 (a) Chapter 612 of NRS for the distribution of regulations
36 by and the judicial review of decisions of the employment
37 security division of the department of employment, training
38 and rehabilitation;

39 (b) Chapters 616A to 617, inclusive, of NRS for the
40 determination of contested claims;

41 (c) Chapter 703 of NRS for the judicial review of decisions
42 of the public ~~service~~ utilities commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and

(e) NRS 90.800 for the use of summary orders in contested cases, prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; or

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184.

6. The state board of parole commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 80.6. Sections 1 and 2 of chapter 486, Statutes of Nevada 1997, at page 2217, are hereby amended to read respectively as follows:

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~administrator~~ **director** shall include in the state plan for Medicaid a requirement that the state shall pay the nonfederal share of expenditures for the medical, administrative and transaction costs of a person:

(a) Who is admitted to a hospital, facility for intermediate care or facility for skilled nursing for not less than 30 consecutive days;

(b) Who is covered by the state plan for Medicaid; and

(c) Whose net countable income per month is not more than \$775 or 155 percent of the supplemental security income benefit rate established pursuant to 42 U.S.C. § 1382(b)(1), whichever is greater.

2. As used in this section:

1 (a) “Facility for intermediate care” has the meaning ascribed
2 to it in NRS 449.0038.

3 (b) “Facility for skilled nursing” has the meaning ascribed to it
4 in NRS 449.0039.

5 (c) “Hospital” has the meaning ascribed to it in NRS 449.012.

6 Sec. 2. Section 1 of this act is hereby amended to read as
7 follows:

8 Section 1. 1. The director shall include in the state plan
9 for Medicaid a requirement that the state shall pay the
10 nonfederal share of expenditures for the medical,
11 administrative and transaction costs of a person:

12 (a) Who is admitted to a hospital, facility for intermediate
13 care or facility for skilled nursing for not less than 30
14 consecutive days;

15 (b) Who is covered by the state plan for Medicaid; and

16 (c) Whose net countable income per month is not more than
17 \$775 or ~~155~~ 156 percent of the supplemental security income
18 benefit rate established pursuant to 42 U.S.C. § 1382(b)(1),
19 whichever is greater.

20 2. As used in this section:

21 (a) “Facility for intermediate care” has the meaning
22 ascribed to it in NRS 449.0038.

23 (b) “Facility for skilled nursing” has the meaning ascribed
24 to it in NRS 449.0039.

25 (c) “Hospital” has the meaning ascribed to it in NRS
26 449.012.

27 Sec. 80.7. Sections 18, 20 and 23 of chapter 489, Statutes of
28 Nevada 1997, at pages 2227, 2228 and 2230, respectively, are
29 hereby amended to read respectively as follows:

30 Sec. 18. 1. *The state welfare administrator shall establish*
31 *by regulation an agreement of cooperation that must be signed*
32 *by the head of a household as a condition to the receipt of*
33 *benefits.*

34 2. *The agreement required pursuant to subsection 1 must*
35 *include a statement of:*

36 (a) *The actions that the members of the household are*
37 *expected to take as a condition to the receipt of benefits; and*

38 (b) *The penalties that may be imposed by the welfare*
39 *division pursuant to section 22 of Assembly Bill No. 401 of this*
40 *session for failing to comply with the provisions of the*
41 *agreement or the plan for personal responsibility signed by the*
42 *head of the household pursuant to section 17 of Assembly Bill*
43 *No. 401 of this session.*

1 Sec. 20. 1. *Subject to the provisions of 42 U.S.C. §*
2 *607(e), the welfare division shall require each head of a*
3 *household who is not suffering from a hardship described in*
4 *subsection 7 of section 23 of Assembly Bill No. 401 of this*
5 *session to perform work:*

6 *(a) Within a reasonable time after the welfare division*
7 *determines that the head of the household is capable of finding*
8 *and performing work; or*

9 *(b) Not later than the date on which the head of the*
10 *household has received benefits for 24 months, regardless of*
11 *whether those months are consecutive or cumulative,*
12 *whichever occurs earlier.*

13 2. *A head of a household who does not comply with the*
14 *requirements of this section:*

15 *(a) Shall be deemed to have failed to comply with the terms*
16 *of the plan for personal responsibility signed by him pursuant*
17 *to section 17 of Assembly Bill No. 401 of this session; and*

18 *(b) Is subject to the penalties prescribed in section 22 of*
19 *Assembly Bill No. 401 of this session for the failure to comply*
20 *with the terms of that plan.*

21 3. *The state welfare administrator shall adopt regulations*
22 *setting forth the activities that will constitute work for the*
23 *purposes of this section.*

24 Sec. 23. 1. *Except as otherwise provided in subsection 2,*
25 *a household that receives benefits for 24 months, regardless of*
26 *whether those months are consecutive or cumulative, is*
27 *prohibited from receiving additional benefits for 12 consecutive*
28 *months, unless the head of the household is suffering from a*
29 *hardship.*

30 2. *The household may receive additional benefits for not*
31 *more than 6 additional months, regardless of whether those*
32 *months are consecutive or cumulative, if the state welfare*
33 *administrator determines that providing benefits to the*
34 *household will significantly increase the likelihood that the*
35 *head of the household will become self-sufficient and will not*
36 *need to apply for benefits in the future. A household that*
37 *receives any additional benefits pursuant to this subsection is*
38 *prohibited from receiving benefits for 12 consecutive months*
39 *after the additional benefits cease to be provided, unless the*
40 *head of the household is suffering from a hardship.*

41 3. *The division shall not provide benefits to a household if*
42 *an adult member of that household has received benefits from*
43 *this or any other state for 60 months, regardless of whether*

1 *those months are consecutive or cumulative, unless the head of*
2 *the household is suffering from a hardship.*

3 *4. Except as otherwise provided in subsections 5 and 6, a*
4 *household that is receiving benefits beyond the period*
5 *prescribed in subsection 1, 2 or 3 because the head of the*
6 *household is suffering from a hardship may continue to receive*
7 *benefits for as long as the head of the household suffers from*
8 *the hardship. Once the head of the household no longer suffers*
9 *from the hardship, the household is not eligible to receive*
10 *benefits:*

11 *(a) For 12 consecutive months if the household has not*
12 *received benefits from this or any other state for 60 months,*
13 *regardless of whether those months are consecutive or*
14 *cumulative; or*

15 *(b) During the lifetime of the head of the household if the*
16 *household has received benefits from this or any other state for*
17 *60 months, regardless of whether those months are consecutive*
18 *or cumulative, unless the head of the household again suffers*
19 *from a hardship.*

20 *5. A household that is receiving benefits pursuant to this*
21 *section because the head of the household is suffering from a*
22 *hardship described in paragraph (c) of subsection 7 may not*
23 *receive benefits pursuant to this section solely because of that*
24 *hardship for more than 12 months during the lifetime of the*
25 *head of the household.*

26 *6. Notwithstanding any other provision of this section, if*
27 *the state welfare administrator determines that the denial or*
28 *suspension of benefits provided to a household solely because*
29 *the head of the household is deemed to be suffering from a*
30 *hardship is necessary to ensure that this state does not exceed*
31 *the limitation set forth in 42 U.S.C. § 608(a)(7)(C), the state*
32 *welfare administrator may deny or suspend such benefits. The*
33 *state welfare administrator shall send written notice to a*
34 *household whose benefits will be denied or suspended pursuant*
35 *to this subsection.*

36 *7. For the purposes of this section, the head of a household*
37 *shall be deemed to be suffering from a hardship if the welfare*
38 *division determines that he:*

39 *(a) Is ill or physically or mentally incapacitated;*

40 *(b) Must care for an ill or incapacitated member of his*
41 *household;*

42 *(c) Is a single custodial parent of a child who is less than 1*
43 *year of age;*

(d) *Is not a recipient of benefits but receives benefits on behalf of a member of his household who is a dependent;*

(e) *Is an unmarried parent who:*

(1) *Is less than 18 years of age; and*

(2) *Complies with the requirements set forth in 42 U.S.C. §§ 608(a)(4) and 608(a)(5);*

(f) *Is a person who is:*

(1) *Sixty years of age or older;*

(2) *The caretaker of a child; and*

(3) *A relative, other than a parent, of that child; or*

(g) *Is suffering from any other condition or circumstance that the state welfare administrator deems to be a hardship.*

Sec. 75. 1. Section 43 of chapter 555, Statutes of Nevada 1997, at page 2683, is hereby amended to read as follows:

Sec. 43. 1. NRS 706.153 is hereby repealed.

2. Section 17 of chapter 472, Statutes of Nevada 1995, at page 1513, is hereby repealed.

3. Sections 134, 175 and 177 of chapter 482, Statutes of Nevada 1997, at pages 1931 and 1945, are hereby repealed.

2. Chapter 555, Statutes of Nevada 1997, at page 2683, is hereby amended by adding thereto a new section to be designated as section 42.1, immediately following section 42, to read as follows:

Sec. 42.1. Sections 345 and 346 of chapter 482, Statutes of Nevada 1997, at pages 2023 and 2024, respectively, are hereby amended to read respectively as follows:

Sec. 345. 1. This section and sections 4, 20, 21, 22, 27 to 54, inclusive, 230 to 233, inclusive, 320 to 326, inclusive, 334, 335 to 344, inclusive, 346 and 347 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 5 to 19, inclusive, 23 to 26, inclusive, 55 to 70, inclusive, 71 to **133, inclusive, 135 to** 150, inclusive, 152 to 172, inclusive, 174, 176, 178 to 221, inclusive, 223 to 229, inclusive, 234 to 278, inclusive, 280 to 319, inclusive, 327, 328, 329, 331 to 333.5, inclusive, and 334.5 of this act become effective on October 1, 1997.

3. Sections 151, 222 and 330 of this act become effective at 12:01 a.m. on October 1, 1997.

4. ~~{Sections 173, 175 and 177}~~ **Section 173** of this act ~~[become]~~ **becomes** effective on the date that the provisions of 49 U.S.C. § 11501 are repealed or judicially declared to be invalid.

Sec. 346. 1. Sections ~~[134,]~~ 174, 176, 178 and 179 of this act expire by limitation on the date that the provisions of 49 U.S.C. § 11501 are repealed or judicially declared to be invalid.

1 2. Section 239 of this act expires by limitation on June 30,
2 2003.

3 **Sec. 76.** Sections 7 and 24 of chapter 556, Statutes of Nevada 1997, at
4 pages 2688 and 2700, respectively, are hereby amended to read
5 respectively as follows:

6 Sec. 7. NRS 624.270 is hereby amended to read as follows:

7 624.270 1. Before issuing a contractor's license to any
8 applicant, the board shall require that the applicant:

9 (a) File with the board a surety bond in a form acceptable to the
10 board executed by the contractor as principal with a corporation
11 authorized to transact surety business in the State of Nevada as
12 surety; or

13 (b) In lieu of such a bond, establish with the board a cash deposit
14 as provided in this section.

15 2. Before granting renewal of a contractor's license to any
16 applicant, the board shall require that the applicant file with the
17 board satisfactory evidence that his surety bond or cash deposit is in
18 full force, unless the applicant has been relieved of the requirement
19 as provided in this section.

20 3. Failure of an applicant or licensee to file or maintain in full
21 force the required bond or to establish the required cash deposit
22 constitutes cause for the board to deny, revoke, suspend or refuse to
23 renew a license.

24 4. Except as otherwise provided in subsection 6, the amount of
25 each bond or cash deposit required by this section must be fixed by
26 the board with reference to the contractor's financial and
27 professional responsibility and the magnitude of his operations, but
28 must be not less than \$1,000 or more than ~~[\$50,000]~~ **\$100,000**. The
29 bond must be continuous in form and must be conditioned that the
30 total aggregate liability of the surety for all claims is limited to the
31 face amount of the bond irrespective of the number of years the
32 bond is in force. The board may increase or reduce the amount of
33 any bond or cash deposit if evidence supporting such a change in
34 the amount is presented to the board at the time application is made
35 for renewal of a license or at any hearing conducted pursuant to
36 NRS 624.310. Unless released earlier pursuant to subsection 5, any
37 cash deposit may be withdrawn 2 years after termination of the
38 license in connection with which it was established, or 2 years after
39 completion of all work authorized by the board after termination of
40 the license, whichever occurs later, if there is no outstanding claim
41 against it.

42 5. After a licensee has acted in the capacity of a licensed
43 contractor in the State of Nevada for not less than 5 consecutive

1 years, the board may relieve the licensee of the requirement of filing
2 a bond or establishing a cash deposit if evidence supporting such
3 relief is presented to the board. The board may at any time
4 thereafter require the licensee to file a new bond or establish a new
5 cash deposit as provided in subsection 4 if evidence is presented to
6 the board supporting this requirement or, pursuant to subsection 6,
7 after notification of a final written decision by the labor
8 commissioner. If a licensee is relieved of the requirement of
9 establishing a cash deposit, the deposit may be withdrawn 2 years
10 after such relief is granted, if there is no outstanding claim against
11 it.

12 6. If the board is notified by the labor commissioner pursuant to
13 section 2 of ~~this act~~ *Senate Bill No. 368 of this session* that three
14 substantiated claims for wages have been filed against a contractor
15 within a 2-year period, the board shall require the contractor to file
16 a bond or establish a cash deposit in an amount fixed by the board.
17 The contractor shall maintain the bond or cash deposit for the
18 period required by the board.

19 7. As used in this section, “substantiated claims for wages” has
20 the meaning ascribed to it in section 2 of ~~this act~~ *Senate Bill No.*
21 *368 of this session.*

22 Sec. 24. ~~[Section]~~ *Sections 6 and 7* of this act ~~[becomes]~~
23 *become* effective at 12:01 a.m. on October 1, 1997.

24 **Sec. 77.** Sections 4 and 13 of chapter 557, Statutes of Nevada 1997, at
25 pages 2703 and 2706, respectively, are hereby amended to read
26 respectively as follows:

27 Sec. 4. NRS 353.335 is hereby amended to read as follows:

28 353.335 1. Except as otherwise provided in subsections 5 and
29 6, a state agency may accept any gift or grant of property or services
30 from any source only if it is included in an act of the legislature
31 authorizing expenditures of nonappropriated money or, when it is
32 not so included, if it is approved as provided in subsection 2.

33 2. If:

34 (a) Any proposed gift or grant is necessary because of an
35 emergency as defined in NRS 353.263 or for the protection or
36 preservation of life or property, the governor shall take reasonable
37 and proper action to accept it and shall report the action and his
38 reasons for determining that immediate action was necessary to the
39 interim finance committee at its first meeting after the action is
40 taken. Action by the governor pursuant to this paragraph constitutes
41 acceptance of the gift or grant, and other provisions of this chapter
42 requiring approval before acceptance do not apply.

1 (b) The governor determines that any proposed gift or grant
2 would be forfeited if the state failed to accept it before the
3 expiration of the period prescribed in paragraph (c), he may declare
4 that the proposed acceptance requires expeditious action by the
5 interim finance committee. Whenever the governor so declares, the
6 interim finance committee has 15 days after the proposal is
7 submitted to its secretary within which to approve or deny the
8 acceptance. Any proposed acceptance which is not considered
9 within the 15-day period shall be deemed approved.

10 (c) The proposed acceptance of any gift or grant does not qualify
11 pursuant to paragraph (a) or (b), it must be submitted to the interim
12 finance committee. The interim finance committee has 45 days after
13 the proposal is submitted to its secretary within which to consider
14 acceptance. Any proposed acceptance which is not considered
15 within the 45-day period shall be deemed approved.

16 3. The secretary shall place each request submitted to him
17 pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the
18 next meeting of the interim finance committee.

19 4. In acting upon a proposed gift or grant, the interim finance
20 committee shall consider, among other things:

21 (a) The need for the facility or service to be provided or
22 improved;

23 (b) Any present or future commitment required of the state;

24 (c) The extent of the program proposed; and

25 (d) The condition of the national economy, and any related fiscal
26 or monetary policies.

27 5. A state agency may accept:

28 (a) Gifts, including grants from nongovernmental sources, not
29 exceeding \$10,000 each in value; and

30 (b) Governmental grants not exceeding ~~[\$50,000]~~ \$100,000 each
31 in value,

32 if the gifts or grants are used for purposes which do not involve the
33 hiring of new employees and if the agency has the specific approval
34 of the governor or, if the governor delegates this power of approval
35 to the chief of the budget division of the department of
36 administration, the specific approval of the chief.

37 6. This section does not apply to:

38 (a) The state industrial insurance system;

39 (b) The University and Community College System of Nevada;
40 or

41 (c) The department of human resources while acting as the state
42 health planning and development agency pursuant to paragraph (d)
43 of subsection 2 of NRS 439A.081 or for donations, gifts or grants to

1 be disbursed pursuant to section 1 of ~~{this act,}~~ *Senate Bill No. 319*
2 *of this session.*

3 Sec. 13. 1. This section and sections 7 to 11, inclusive, of
4 this act become effective on June 30, 1997.

5 2. Sections 1 ~~{to 6, inclusive,}~~, *2, 3, 5 and 6* of this act become
6 effective on July 1, 1997.

7 *3. Section 4 of this act becomes effective at 12:01 a.m. on*
8 *July 1, 1997.*

9 **Sec. 78.** 1. Section 19 of chapter 558, Statutes of Nevada 1997, at
10 page 2715, is hereby amended to read as follows:

11 Sec. 19. This act becomes effective ~~{upon passage and~~
12 ~~approval,}~~ *on July 15, 1997.*

13 2. Chapter 558, Statutes of Nevada 1997, at page 2715, is hereby
14 amended by adding thereto new sections to be designated as sections 18.1
15 to 18.6, inclusive, immediately following section 18, to read respectively as
16 follows:

17 Sec. 18.1. Section 31.1 of chapter 480, Statutes of Nevada
18 1997, at page 1857, is hereby amended to read as follows:

19 Sec. 31.1. NRS 387.030 is hereby amended to read as
20 follows:

21 387.030 All money derived from interest on the state
22 permanent school fund, together with all money derived from
23 other sources provided by law, must:

24 1. Be placed in the state distributive school account which is
25 hereby created in the state general fund; and

26 2. Except as otherwise provided in section 8 of ~~{this act,}~~
27 *Senate Bill No. 468 of this session*, be apportioned among the
28 several school districts *and charter schools* of ~~{the}~~ *this* state at
29 the times and in the manner provided by law.

30 Sec. 18.2. Section 31.3 of chapter 480, Statutes of Nevada
31 1997, at page 1857, is hereby amended to read as follows:

32 Sec. 31.3. NRS 387.040 is hereby amended to read as
33 follows:

34 387.040 1. Except as otherwise provided in subsection 2
35 and section 8 of ~~{this act,}~~ *Senate Bill No. 468 of this session*,
36 the state treasurer shall pay over all public school money
37 received by him *for the support of school districts* only on
38 warrants of the state controller issued upon the orders of the
39 superintendent of public instruction in favor of county treasurers.
40 When endorsed, the orders are valid vouchers in the hands of the
41 state controller for the disbursement of public school money.

42 2. Except as otherwise provided in section 8 of ~~{this act,}~~
43 *Senate Bill No. 468 of this session*, if the board of trustees of a

1 school district establishes and administers a separate account
2 pursuant to the provisions of NRS 354.603, the state treasurer
3 shall pay over to the school district all public school money due
4 ~~to~~ the school district.

5 *3. The state treasurer shall pay over all public school*
6 *money received by him for the support of charter schools only*
7 *on warrants of the state controller issued upon the orders of the*
8 *superintendent of public instruction in favor of the charter*
9 *schools. When endorsed, the orders are valid vouchers in the*
10 *hands of the state controller for the disbursement of public*
11 *school money.*

12 Sec. 18.3. Section 34.6 of chapter 480, Statutes of Nevada
13 1997, at page 1862, is hereby amended to read as follows:

14 Sec. 34.6. NRS 387.124 is hereby amended to read as
15 follows:

16 387.124 Except as otherwise provided in section 8 of ~~this~~
17 ~~act.~~ *Senate Bill No. 468 of this session:*

18 1. On or before August 1, November 1, February 1 and May
19 1 of each year, the superintendent shall apportion the state
20 distributive school account in the state general fund among the
21 several county school districts *and charter schools* in amounts
22 approximating one-fourth of their respective yearly
23 apportionments less any amount set aside as a reserve.

24 ~~[Apportionment]~~ *The apportionment to a school district,*
25 *computed on a yearly basis , equals the difference between the*
26 *basic support and the local funds available ~~[] pursuant to NRS~~*
27 *387.1235, minus all the funds attributable to pupils who reside*
28 *in the county but attend a charter school. No apportionment*
29 *may be made to a school district if the amount of the local funds*
30 *exceeds the amount of basic support. The apportionment to a*
31 *charter school, computed on a yearly basis, is equal to the sum*
32 *of the basic support per pupil in the county in which the pupil*
33 *resides plus the amount of local funds available per pupil*
34 *pursuant to NRS 387.1235 and all other funds available for*
35 *public schools in the county in which the pupil resides. If the*
36 *apportionment per pupil to a charter school is more than the*
37 *amount to be apportioned to the school district in which a pupil*
38 *who is enrolled in the charter school resides, the school district*
39 *in which the pupil resides shall pay the difference directly to*
40 *the charter school.*

41 2. If the state controller finds that such an action is needed to
42 maintain the balance in the state general fund at a level sufficient
43 to pay the other appropriations from it, he may pay out the

1 apportionments monthly, each approximately one-twelfth of the
2 yearly apportionment less any amount set aside as a reserve. If
3 such action is needed, the state controller shall submit a report to
4 the department of administration and the fiscal analysis division
5 of the legislative counsel bureau documenting reasons for the
6 action.

7 Sec. 18.4. Section 35.1 of chapter 480, Statutes of Nevada
8 1997, at page 1863, is hereby amended to read as follows:

9 Sec. 35.1. NRS 387.185 is hereby amended to read as
10 follows:

11 387.185 1. Except as otherwise provided in subsection 2
12 and section 8 of ~~{this act,}~~ *Senate Bill No. 468 of this session*, all
13 school money due each county school district must be paid over
14 by the state treasurer to the county treasurer on August 1,
15 November 1, February 1 and May 1 of each year or as soon
16 thereafter as the county treasurer may apply for it, upon the
17 warrant of the state controller drawn in conformity with the
18 apportionment of the superintendent of public instruction as
19 provided in NRS 387.124.

20 2. Except as otherwise provided in section 8 of ~~{this act,}~~
21 *Senate Bill No. 468 of this session*, if the board of trustees of a
22 school district establishes and administers a separate account
23 pursuant to the provisions of NRS 354.603, all school money due
24 ~~{to}~~ that school district must be paid over by the state treasurer to
25 the school district on August 1, November 1, February 1 and
26 May 1 of each year or as soon thereafter as the school district
27 may apply for it, upon the warrant of the state controller drawn in
28 conformity with the apportionment of the superintendent of
29 public instruction as provided in NRS 387.124.

30 3. No county school district may receive any portion of the
31 public school money unless that school district has complied with
32 the provisions of this Title and regulations adopted pursuant
33 thereto.

34 *4. All school money due each charter school must be paid*
35 *over by the state treasurer to the governing body of the charter*
36 *school on August 1, November 1, February 1 and May 1 of*
37 *each year or as soon thereafter as the governing body may*
38 *apply for it, upon the warrant of the state controller drawn in*
39 *conformity with the apportionment of the superintendent of*
40 *public instruction as provided in NRS 387.124.*

1 Sec. 18.5. Section 35.2 of chapter 480, Statutes of Nevada
2 1997, at page 1864, is hereby amended to read as follows:

3 Sec. 35.2. NRS 387.205 is hereby amended to read as
4 follows:

5 387.205 1. Money on deposit in the county school district
6 fund or in a separate account, if the board of trustees of a school
7 district has elected to establish such an account ~~{under}~~ **pursuant**
8 **to** the provisions of NRS 354.603, must be used for:

9 (a) Maintenance and operation of **the** public schools ~~{}~~
10 **controlled by the county school district.**

11 (b) Payment of premiums for Nevada industrial insurance.

12 (c) Rent of schoolhouses.

13 (d) Construction, furnishing or rental of teacherages, when
14 approved by the superintendent of public instruction.

15 (e) Transportation of pupils, including the purchase of new
16 buses.

17 (f) Programs of nutrition, if such expenditures do not curtail
18 the established school program or make it necessary to shorten
19 the school term, and each pupil furnished lunch whose parent or
20 guardian is financially able so to do pays at least the actual cost
21 of the lunch.

22 (g) Membership fees, dues and contributions to an
23 interscholastic activities association.

24 (h) Repayment of a loan made from the state permanent
25 school fund pursuant to section 7 of ~~{this act.}~~ **Senate Bill No.**
26 **468 of this session.**

27 2. Money on deposit in the county school district fund, or in
28 a separate account, if the board of trustees of a school district has
29 elected to establish such an account ~~{under}~~ **pursuant to** the
30 provisions of NRS 354.603, when available, may be used for:

31 (a) Purchase of sites for school facilities.

32 (b) Purchase of buildings for school use.

33 (c) Repair and construction of buildings for school use.

34 Sec. 18.6. Section 14 of chapter 585, Statutes of Nevada 1997,
35 at page 2879, is hereby amended to read as follows:

36 Sec. 14. NRS 355.060 is hereby amended to read as follows:

37 355.060 1. The state controller shall notify the state
38 treasurer monthly of the amount of uninvested money in the state
39 permanent school fund.

40 2. Whenever there is a sufficient amount of money for
41 investment in the state permanent school fund, the state treasurer
42 shall proceed to negotiate for the investment of the money in:

43 (a) United States bonds;

(b) Obligations or certificates of the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal Farm Credit Banks Funding Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States;

(c) Bonds of this state or of other states;

(d) Bonds of any county of the State of Nevada;

(e) United States treasury notes;

(f) Farm mortgage loans fully insured and guaranteed by the Farmers Home Administration of the United States Department of Agriculture; ~~or~~

(g) Loans at a rate of interest of not less than 6 percent per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances ~~H~~; *or*

(h) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

3. In addition to the investments authorized by subsection 2, the state treasurer may make loans of money from the state permanent school fund to school districts pursuant to section 7 of ~~this act.~~ *Senate Bill No. 468 of this session.*

4. No part of the state permanent school fund may be invested pursuant to a reverse-repurchase agreement.

Sec. 79. Section 3 of chapter 561, Statutes of Nevada 1997, at page 2728, is hereby amended to read as follows:

Sec. 3. The real property to be exempt from any trust imposed by the statutes enumerated in section 1 of this act and to be made immediately available for use by Washoe County as specified in section 2 of this act is described as follows:

All that certain piece or parcel of land situate in the southwest 1/4 of section 1, township 19 north, range 19 east, M.D.M. and being more particularly described as follows:

Beginning at the intersection of the east right-of-way line of North Wells Avenue and the north right-of-way line of East Ninth Street in the City of Reno, County of Washoe, State of Nevada, said intersection being the point of beginning; thence North 1°43'54" East, 779.20 feet along the east right-of-way line of said North Wells Avenue; thence leaving said right-of-way and proceeding South 88°12'41" *East, 588.99 feet; thence South 1°48'42" West, 65.00 feet; thence south 88°12'41" east* 669.35 feet to a point on the west right-of-way line of Sutro Street; thence south 0°33'14" west, 690.66 feet along the west right-of-way of Sutro Street to the point of intersection with the north right-of-way line of East Ninth Street; thence along the north right-of-way line of East Ninth Street, north 89°16'47" west 1272.65 feet to the said point of beginning and containing an area of 21.3 acres more or less.

Sec. 80. 1. Section 49 of chapter 565, Statutes of Nevada 1997, at page 2765, is hereby amended to read as follows:

Sec. 49. 1. This *section and sections 1 to 23, inclusive, 24 to 47, inclusive, and 48 of this act* ~~becomes~~ *become* effective upon passage and approval.

2. *Sections 47.1 and 47.2 of this act become effective on July 17, 1997.*

3. *Sections 23.1 and 23.2 of this act become effective on October 1, 1997.*

2. Chapter 565, Statutes of Nevada 1997, at page 2750, is hereby amended by adding thereto new sections to be designated as sections 23.1 and 23.2, immediately following section 23, to read respectively as follows:

Sec. 23.1. Section 7 of this act is hereby amended to read as follows:

Sec. 7. "Public utility" includes:

1. A person or local government that:

(a) Provides electric energy or gas, whether or not the person or local government is subject to regulation by the public ~~service~~ *utilities* commission of Nevada;

(b) Is a telecommunication carrier as that term is defined in 47 U.S.C. § 153 on the effective date of this act, if the person or local government holds a certificate of public convenience and necessity issued by the public ~~service~~ *utilities* commission of Nevada and derives intrastate revenue from the provision of telecommunication service to retail customers; or

(c) Sells or resells personal wireless services.

2. A community antenna television company as that term is defined in NRS 711.030.

1 Sec. 23.2. Section 8 of this act is hereby amended to read as
2 follows:

3 Sec. 8. “Revenue” does not include:

4 1. Any proceeds from the interstate sale of natural gas to a
5 provider of electric energy that holds a certificate of public
6 convenience and necessity issued by the public ~~service~~ *utilities*
7 commission of Nevada;

8 2. Any revenue of a provider of a telecommunication service
9 other than intrastate revenue that the provider collects from retail
10 customers; or

11 3. The amount deducted from the gross revenue of a
12 community antenna television company pursuant to paragraph (b)
13 of subsection 2 of NRS 711.200.

14 3. Chapter 565, Statutes of Nevada 1997, at page 2765, is hereby
15 amended by adding thereto new sections to be designated as sections 47.1
16 and 47.2, immediately following section 47, to read respectively as follows:

17 Sec. 47.1. Section 345 of chapter 482, Statutes of Nevada
18 1997, at page 2023, is hereby amended to read as follows:

19 Sec. 345. 1. This section and sections 4, 20, 21, 22, 27 to
20 54, inclusive, 230 to 233, inclusive, 320 to 326, inclusive, 333.7,
21 334, 335 to 344, inclusive, 346 and 347 of this act become
22 effective upon passage and approval.

23 2. Sections 1, 2, 3, 5 to 19, inclusive, 23 to 26, inclusive, 55
24 to 70, inclusive, 71 to 133, inclusive, 135 to 150, inclusive, 152
25 to 174, inclusive, 176, 178 to 221, inclusive, 223 to 227,
26 inclusive, 229, 234 to ~~278,~~ *274*, inclusive, *276, 277, 278*, 280
27 to 319, inclusive, 327, 328, 329, 331 to 333.5, inclusive, and
28 334.5 of this act become effective on October 1, 1997.

29 3. Sections 151, 222, 228 and 330 of this act become
30 effective at 12:01 a.m. on October 1, 1997.

31 Sec. 47.2. Section 275 of chapter 482, Statutes of Nevada
32 1997, at page 1987, is hereby repealed.

33 **Sec. 81.** Sections 1 and 10 of chapter 566, Statutes of Nevada 1997, at
34 pages 2765 and 2767, respectively, are hereby amended to read
35 respectively as follows:

36 Section 1. Chapter 616A of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 **1. Any:**

39 **(a) *Teacher who, as part of the program to offer pupils who***
40 ***are enrolled in grades 7 through 12, inclusive, the skills to make***
41 ***the transition from school to careers established pursuant to NRS***
42 ***388.368, works without pay for an employer other than the school***
43 ***district, university or community college with which the teacher is***

1 *employed, and is not specifically covered by any other provisions*
2 *of chapters 616A to 616D, inclusive, of NRS, while engaging in*
3 *that work; or*

4 *(b) Pupil who, as part of the program to offer pupils who are*
5 *enrolled in grades 7 through 12, inclusive, the skills to make the*
6 *transition from school to careers established pursuant to NRS*
7 *388.368, works without pay for an employer,*
8 *shall be deemed for the purposes of chapters 616A to 616D,*
9 *inclusive, of NRS to be an employee of that employer at the wage*
10 *of \$900 per month. The teacher or pupil is entitled to the benefits*
11 *of those chapters when the employer complies with the provisions*
12 *of those chapters and the regulations adopted pursuant thereto.*

13 *2. A person who is insured by the system and is deemed to be*
14 *the employer of a teacher or pupil pursuant to subsection 1 shall:*

15 *(a) Report to the insurer the name of the teacher or pupil and*
16 *the classification of risk assigned for the teacher or pupil; and*

17 *(b) Pay the premium for each month or portion thereof for*
18 *which the teacher or pupil performs work without pay for the*
19 *employer.*

20 Sec. 10. *1.* This act becomes effective upon passage and
21 approval.

22 *2. Section 1 of this act expires by limitation on June 30, 2003.*

23 **Sec. 82.** Section 20 of chapter 570, Statutes of Nevada 1997, at page
24 2783, is hereby amended to read as follows:

25 Sec. 20. NRS 293.3608 is hereby amended to read as follows:

26 293.3608 On election day the county *or city* clerk shall:

27 1. Ensure that each mechanical recording device used during
28 the period for early voting provides a record printed on paper of the
29 total number of votes recorded on the device for each candidate and
30 for or against each measure; and

31 2. Deliver to the central counting place:

32 (a) The items ~~1:~~

33 ~~—(1) Sorted~~ *sorted* and counted pursuant to subsection 3 of
34 NRS 293.3604; ~~for~~

35 ~~—(2) Counted pursuant to subsection 2 of NRS 298.360;~~

36 (b) The records printed on paper provided pursuant to subsection
37 1; and

38 (c) The storage device required pursuant to NRS 293B.084 from
39 each mechanical recording device used during the period for early
40 voting.

1 **Sec. 83.** 1. Sections 39 and 41 of chapter 573, Statutes of Nevada
2 1997, at page 2821, are hereby amended to read respectively as follows:

3 Sec. 39. 1. NRS 82.146, 82.151, 82.156, 82.161, 82.166,
4 82.171 and 82.176, *and section 25 of chapter 631, Statutes of*
5 *Nevada 1997, at page 3126*, are hereby repealed.

6 2. NRS 225.160 is hereby repealed.

7 Sec. 41. 1. This section, section 3, subsection 2 of section 39
8 and section 40 of this act become effective on July 1, 1997.

9 2. Sections 1, 4 to ~~38~~ *8, inclusive, 10 to 38.5*, inclusive,
10 and subsection 1 of section 39 of this act become effective on
11 October 1, 1997.

12 3. ~~Section~~ *Sections 2 and 9* of this act ~~becomes~~ *become*
13 effective on October 1, 1997, and ~~expires~~ *expire* by limitation on
14 July 1, 1999.

15 4. *Section 8.5 of this act becomes effective on July 2, 1999.*

16 2. Chapter 573, Statutes of Nevada 1997, at page 2806, is hereby
17 amended by adding thereto a new section to be designated as section 8.5,
18 immediately following section 8, to read as follows:

19 Sec. 8.5. NRS 225.140 is hereby amended to read as follows:

20 225.140 1. Except as otherwise provided in subsection 2, in
21 addition to other fees authorized by law, the secretary of state shall
22 charge and collect the following fees:

23
24 For a copy of any law, joint resolution, transcript of
25 record, or other paper on file or of record in his
26 office, other than a document required to be filed
27 pursuant to Title 24 of NRS, per page\$1.00

28 For a copy of any document required to be filed
29 pursuant to Title 24 of NRS, per page50

30 For certifying to any such copy and use of the state seal,
31 for each impression 10.00

32 For each passport or other document signed by the
33 governor and attested by the secretary of state 10.00

34 For a negotiable instrument returned unpaid 10.00
35

36 2. The secretary of state:

37 (a) Shall charge a reasonable fee for searching records and
38 documents kept in his office.

39 (b) May charge or collect any filing or other fees for services
40 rendered by him to the State of Nevada, any local governmental
41 agency or agency of the Federal Government, or any officer thereof
42 in his official capacity or respecting his office or official duties.

43 (c) May not charge or collect a filing or other fee for:

1 (1) Attesting extradition papers or executive warrants for
2 other states.

3 (2) Any commission or appointment issued or made by the
4 governor, either for the use of the state seal or otherwise.

5 (d) May charge a reasonable fee, not to exceed \$100, for
6 providing special services including, but not limited to, providing
7 service on the day it is requested or within 24 hours, accepting
8 documents filed by facsimile machine, and other use of new
9 technology.

10 (e) Shall charge a fee, not to exceed the actual cost to the
11 secretary of state, for providing:

12 (1) A copy of any record kept in his office that is stored on a
13 computer or on microfilm if the copy is provided on a tape, disk or
14 other medium used for the storage of information by a computer or
15 on duplicate film.

16 (2) Access to his computer data base on which records are
17 stored.

18 3. ~~Except as otherwise provided in section 2 of this act, all~~ **All**
19 fees collected pursuant to paragraph (d) of subsection 2 must be
20 deposited with the state treasurer for credit to the account for
21 special services of the secretary of state in the state general fund.
22 Any amount remaining in the account at the end of a fiscal year in
23 excess of \$2,000,000 must be transferred to the state general fund.
24 Money in the account may be transferred to the secretary of state's
25 operating general fund budget account and must only be used to
26 create and maintain the capability of the office of the secretary of
27 state to provide special services, including, but not limited to,
28 providing service:

29 (a) On the day it is requested or within 24 hours; or

30 (b) Necessary to increase or maintain the efficiency of the
31 office.

32 Any transfer of money from the account for expenditure by the
33 secretary of state must be approved by the interim finance
34 committee.

35 3. Chapter 573, Statutes of Nevada 1997, at page 2821, is hereby
36 amended by adding thereto a new section to be designated as section 38.5,
37 immediately following section 38, to read as follows:

38 Sec. 38.5. Section 24 of chapter 208, Statutes of Nevada 1997,
39 at page 709, is hereby amended to read as follows:

40 Sec. 24. Chapter 82 of NRS is hereby amended by adding
41 thereto a new section to read as follows:

42 1. The board of directors of a corporation without shares of
43 stock which was organized before October 1, 1991, pursuant to

1 any provision of chapter 81 of NRS or a predecessor statute and
2 whose permissible term of existence as stated in the articles of
3 incorporation has expired may, within 10 years after the date of
4 the expiration of its existence, elect to revive its charter and
5 accept this chapter by adopting a resolution reviving the expired
6 charter and adopting new articles of incorporation conforming to
7 this chapter and any other statutes pursuant to which the
8 corporation may have been organized. The new articles of
9 incorporation need not contain the names, addresses, signatures
10 or acknowledgments of the incorporators.

11 2. A certificate of election to accept this chapter pursuant to
12 this section must be signed by the president or a vice president
13 and acknowledged before a person authorized by the laws of this
14 state to take acknowledgments of deeds, and must set forth:

15 (a) The name of the corporation.

16 (b) A statement by the corporation that it has elected to accept
17 this chapter and adopt new articles of incorporation conforming
18 to the provisions of this chapter and any other statutes pursuant to
19 which the corporation may have been organized.

20 (c) A statement by the corporation that since the expiration of
21 its charter it has remained organized and continued to carry on
22 the activities for which it was formed and authorized by its
23 original articles of incorporation and amendments thereto, and
24 desires to continue through revival its existence pursuant to and
25 subject to the provisions of this chapter.

26 (d) A statement that the attached copy of the articles of
27 incorporation of the corporation are the new articles of
28 incorporation of the corporation.

29 (e) A statement setting forth the date of the meeting of the
30 board of directors at which the election to accept and adopt was
31 made, that a quorum was present at the meeting and that the
32 acceptance and adoption were authorized by a majority vote of
33 the directors present at the meeting.

34 3. The certificate so signed and acknowledged, and a
35 certificate of acceptance of appointment executed by the resident
36 agent of the corporation, must be filed in the office of the
37 secretary of state.

38 4. ~~If the corporation is not in compliance with the~~
39 ~~provisions of NRS 82.146 or 82.176, it must comply with the~~
40 ~~provisions of those sections and pay the fees required by NRS~~
41 ~~82.146 to 82.171, inclusive.~~

42 ~~—5.]~~ The new articles of incorporation become effective on the
43 date of filing the certificate. The corporation's existence

1 continues from the date of expiration of the original term, with all
2 the corporation's rights, franchises, privileges and immunities
3 and subject to all its existing and preexisting debts, duties and
4 liabilities.

5 **Sec. 84.** 1. Section 2 of chapter 576, Statutes of Nevada 1997, at
6 page 2826, is hereby amended to read as follows:

7 Sec. 2. This act becomes effective ~~upon passage and~~
8 ~~approval.~~ **on July 15, 1997.**

9 2. Chapter 576, Statutes of Nevada 1997, at page 2826, is hereby
10 amended by adding thereto a new section to be designated as section 1.1,
11 immediately following section 1, to read as follows:

12 Sec. 1.1. Section 34.7 of chapter 480, Statutes of Nevada
13 1997, at page 1862, is hereby amended to read as follows:

14 Section 34.7. NRS 387.1243 is hereby amended to read as
15 follows:

16 387.1243 1. The first apportionment based on an estimated
17 number of pupils and special education program units and
18 succeeding apportionments are subject to adjustment from time
19 to time as the need therefor may appear.

20 2. The apportionments to a school district may be adjusted
21 during a fiscal year by the department of education, upon
22 approval by the board of examiners and the interim finance
23 committee, if the department of taxation and the county assessor
24 in the county in which the school district is located certify to the
25 department of education that the school district will not receive
26 the tax levied pursuant to subsection 1 of NRS 387.195 on
27 property of the Federal Government located within the county if:

28 (a) The leasehold interest, possessory interest, beneficial
29 interest or beneficial use of the property is subject to taxation
30 pursuant to NRS 361.157 and 361.159 and one or more lessees
31 or users of the property are delinquent in paying the tax; and

32 (b) The total amount of tax owed but not paid for the fiscal
33 year by any such lessees and users is at least 5 percent of the
34 proceeds that the school district would have received from the tax
35 levied pursuant to subsection 1 of NRS 387.195.

36 If a lessee or user pays the tax owed after the school district's
37 apportionment has been increased in accordance with the
38 provisions of this subsection to compensate for the tax owed, the
39 school district shall repay to the distributive school account in the
40 state general fund an amount equal to the tax received from the
41 lessee or user for the year in which the school district received an
42 increased apportionment, not to exceed the increase in

1 apportionments made to the school district pursuant to this
2 subsection.

3 3. A final adjustment must be computed as soon as
4 practicable following the close of the school year, but not later
5 than August 25. The final computation must be based upon the
6 actual counts of pupils required to be made for the computation
7 of basic support and the limits upon the support of special
8 education programs, except that for any year when the total
9 enrollment of pupils and children described in paragraphs (a),
10 (b), (c) and (d) of subsection 1 of NRS 387.123 is greater on the
11 last day of any school month after the second school month and
12 the increase in enrollment shows at least:

13 (a) A 3 percent gain, basic support as computed from first
14 month enrollment must be increased by 2 percent.

15 (b) A 6 percent gain, basic support as computed from first
16 month enrollment must be increased by an additional 2 percent.

17 4. If the final computation of apportionment for any school
18 district *or charter school* exceeds the actual amount paid to the
19 school district *or charter school* during the school year, the
20 additional amount due must be paid before September 1. If the
21 final computation of apportionment for any school district *or*
22 *charter school* is less than the actual amount paid to the school
23 district *or charter school* during the school year, the difference
24 must be repaid to the state distributive school account in the state
25 general fund by the school district *or charter school* before
26 September 25.

27 **Sec. 85.** 1. Section 1 of chapter 577, Statutes of Nevada 1997, at
28 page 2826, is hereby amended to read as follows:

29 Section 1. NRS 350.020 is hereby amended to read as follows:

30 350.020 1. Except as otherwise ~~permitted~~ *provided* by
31 subsection 3, ~~when any~~ *if a* municipality proposes to issue or incur
32 general obligations, the proposal must be submitted to the electors
33 of the municipality at a special election called for that purpose or
34 the next ~~primary or~~ general municipal election or ~~primary or~~
35 general state election.

36 2. Such a special election may be held:

37 (a) At any time if the governing body of the municipality
38 determines, by a unanimous vote, that an emergency exists; or

39 (b) On the first Tuesday after the first Monday in June of an odd-
40 numbered year.

41 The determination made by the governing body is conclusive unless
42 it is shown that the governing body acted with fraud or a gross
43 abuse of discretion. An action to challenge the determination made

1 by the governing body must be commenced within 15 days after the
2 governing body's determination is final. As used in this subsection,
3 "emergency" means any occurrence or combination of occurrences
4 which requires immediate action by the governing body of the
5 municipality to prevent or mitigate a substantial financial loss to the
6 municipality or to enable the governing body to provide an essential
7 service to the residents of the municipality.

8 3. If payment of a general obligation of the municipality is
9 additionally secured by a pledge of gross or net revenue of a project
10 to be financed by its issue, and the governing body determines, by
11 an affirmative vote of two-thirds of the members elected to the
12 governing body, that the pledged revenue will at least equal the
13 amount required in each year for the payment of interest and
14 principal, without regard to any option reserved by the municipality
15 for early redemption, the municipality may, after a public hearing,
16 incur this general obligation without an election unless, within 60
17 days after publication of a resolution of intent to issue the bonds, a
18 petition is presented to the governing body signed by not less than 5
19 percent of the registered voters of the municipality who together
20 with any corporate petitioners own not less than 2 percent in
21 assessed value of the taxable property of the municipality. Any
22 member elected to the governing body whose authority to vote is
23 limited by charter, statute or otherwise may vote on the
24 determination required to be made by the governing body pursuant
25 to this subsection. The determination by the governing body
26 becomes conclusive on the last day for filing the petition. For the
27 purpose of this subsection, the number of registered voters must be
28 determined as of the close of registration for the last preceding
29 general election and assessed values must be determined from the
30 next preceding final assessment roll. An authorized corporate
31 officer may sign such a petition whether or not he is a registered
32 voter. The resolution of intent need not be published in full, but the
33 publication must include the amount of the obligation and the
34 purpose for which it is to be incurred. Notice of the public hearing
35 must be published at least 10 days before the day of the hearing.
36 The publications must be made once in a newspaper of general
37 circulation in the municipality. When published, the notice of the
38 public hearing must be at least as large as 5 inches high by 4 inches
39 wide.

40 4. A municipality may issue special or medium-term
41 obligations without an election.

1 2. Chapter 577, Statutes of Nevada 1997, at page 2827, is
2 hereby amended by adding thereto new sections to be designated as
3 sections 2 and 3, immediately following section 1, to read
4 respectively as follows:

5 Sec. 2. Sections 18 and 31 of chapter 516, Statutes of Nevada
6 1997, at pages 2464 and 2470, respectively, are hereby amended to
7 read respectively as follows:

8 Sec. 18. NRS 350.020 is hereby amended to read as follows:

9 350.020 1. Except as otherwise provided by ~~subsection 3,~~
10 *subsections 3 and 4*, if a municipality proposes to issue or incur
11 general obligations, the proposal must be submitted to the
12 electors of the municipality at a special election called for that
13 purpose or the next general municipal election or general state
14 election.

15 2. Such a special election may be held:

16 (a) At any time if the governing body of the municipality
17 determines, by a unanimous vote, that an emergency exists; or

18 (b) On the first Tuesday after the first Monday in June of an
19 odd-numbered year.

20 The determination made by the governing body is conclusive
21 unless it is shown that the governing body acted with fraud or a
22 gross abuse of discretion. An action to challenge the
23 determination made by the governing body must be commenced
24 within 15 days after the governing body's determination is final.
25 As used in this subsection, "emergency" means any occurrence or
26 combination of occurrences which requires immediate action by
27 the governing body of the municipality to prevent or mitigate a
28 substantial financial loss to the municipality or to enable the
29 governing body to provide an essential service to the residents of
30 the municipality.

31 3. If payment of a general obligation of the municipality is
32 additionally secured by a pledge of gross or net revenue of a
33 project to be financed by its issue, and the governing body
34 determines, by an affirmative vote of two-thirds of the members
35 elected to the governing body, that the pledged revenue will at
36 least equal the amount required in each year for the payment of
37 interest and principal, without regard to any option reserved by
38 the municipality for early redemption, the municipality may, after
39 a public hearing, incur this general obligation without an election
40 unless, within 60 days after publication of a resolution of intent
41 to issue the bonds, a petition is presented to the governing body
42 signed by not less than 5 percent of the registered voters of the
43 municipality who together with any corporate petitioners own not
44 less than 2 percent in assessed value of the taxable property of

1 the municipality. Any member elected to the governing body
2 whose authority to vote is limited by charter, statute or otherwise
3 may vote on the determination required to be made by the
4 governing body pursuant to this subsection. The determination by
5 the governing body becomes conclusive on the last day for filing
6 the petition. For the purpose of this subsection, the number of
7 registered voters must be determined as of the close of
8 registration for the last preceding general election and assessed
9 values must be determined from the next preceding final
10 assessment roll. An authorized corporate officer may sign such a
11 petition whether or not he is a registered voter. The resolution of
12 intent need not be published in full, but the publication must
13 include the amount of the obligation and the purpose for which it
14 is to be incurred. Notice of the public hearing must be published
15 at least 10 days before the day of the hearing. The publications
16 must be made once in a newspaper of general circulation in the
17 municipality. When published, the notice of the public hearing
18 must be at least as large as 5 inches high by 4 inches wide.

19 4. *Until June 30, 2008, the board of trustees of a school*
20 *district may issue general obligation bonds which are not*
21 *expected to result in an increase in the existing property tax*
22 *levy for the payment of bonds of the school district without*
23 *holding an election for each issuance of the bonds if the*
24 *qualified electors approve a question submitted by the board of*
25 *trustees that authorizes issuance of bonds in such a manner. If*
26 *the question is approved, the board of trustees of the school*
27 *district may issue the bonds, after obtaining the approval of the*
28 *debt management commission in the county in which the*
29 *school district is located and, in a county whose population is*
30 *100,000 or more, the approval of the oversight panel for school*
31 *facilities established pursuant to section 6 of this act in that*
32 *county, if the board of trustees of the school district finds that*
33 *the existing tax for debt service will at least equal the amount*
34 *required to pay the principal and interest on the outstanding*
35 *general obligations of the school district and the general*
36 *obligations proposed to be issued. The finding made by the*
37 *board of trustees is conclusive in the absence of fraud or gross*
38 *abuse of discretion. As used in this subsection, “general*
39 *obligations” does not include medium-term obligations issued*
40 *pursuant to NRS 350.085 to 350.095, inclusive.*

41 5. *At the time of issuance of bonds authorized pursuant to*
42 *subsection 4, the board of trustees shall establish a reserve*
43 *account in its debt service fund for payment of the outstanding*

bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district. If the amount in the reserve account falls below the amount required by this subsection:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by this subsection; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to this subsection.

6. A municipality may issue special or medium-term obligations without an election.

Sec. 31. 1. This section and sections 1 to 7, inclusive, 9, 10, 22 to 25, inclusive, and 27 to 30, inclusive, of this act, become effective upon passage and approval. Sections 22 to 25, inclusive, of this act, expire by limitation on June 30, 1999.

2. Sections 11, 11.5, 13, 14, 14.5, 16, 20 and 21 of this act become effective on August 1, 1997.

3. Sections 8, 12 and 15 of this act become effective on July 1, 1999.

4. Sections 17 ~~17, 18~~ and 19 of this act become effective on October 1, 1997. The amendatory provisions of sections 17 ~~17, 18~~ and 19 of this act expire by limitation on June 30, 2008.

5. *Section 18 of this act becomes effective at 12:01 a.m. on October 1, 1997. The amendatory provisions of section 18 of this act expire by limitation on June 30, 2008.*

6. Section 26 of this act becomes effective on July 1, 2008.

Sec. 3. This section and section 2 of this act become effective on September 30, 1997.

Sec. 86. 1. Sections 1 and 14 of chapter 583, Statutes of Nevada 1997, at pages 2832 and 2837, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district,

1 shall adopt a program providing for the accountability of the school
2 district to the residents of the district and to the state board for the
3 quality of the schools and the educational achievement of the pupils
4 in the district.

5 2. The board of trustees of each school district shall, on or
6 before March 31 of each year, report to the residents of the district
7 concerning:

8 (a) The educational goals and objectives of the school district.

9 (b) Pupil achievement for grades 4, 8, 10 and 11 for each school
10 in the district and the district as a whole. Unless otherwise directed
11 by the department, the board of trustees of the district shall base its
12 report on the results of the examinations administered pursuant to
13 NRS 389.015 and shall compare the results of those examinations
14 for the current school year with those of previous school years. The
15 report must include, for each school in the district and each grade in
16 which the examinations were administered:

17 (1) The number of pupils who took the examinations;

18 (2) An explanation of instances in which a school was exempt
19 from administering or a pupil was exempt from taking an
20 examination; and

21 (3) A record of attendance for the period in which the
22 examinations were administered, including an explanation of any
23 difference in the number of pupils who took the examinations and
24 the number of pupils in attendance in that period.

25 In addition, the board shall also report the results of other
26 examinations of pupil achievement administered to pupils in the
27 school district in grades other than 4, 8, 10 and 11. The results of
28 these examinations for the current school year must be compared
29 with those of previous school years.

30 (c) The ratio of pupils to teachers in kindergarten and at each
31 grade level for each elementary school in the district and the district
32 as a whole, the average class size for each required course of study
33 for each secondary school in the district and the district as a whole,
34 and other data concerning licensed and unlicensed employees of the
35 school district.

36 (d) A comparison of the types of classes that each teacher has
37 been assigned to teach with the qualifications and licensure of the
38 teacher, for each school in the district and the district as a whole.

39 (e) The total expenditure per pupil for each school in the district
40 and the district as a whole.

41 (f) The curriculum used by the school district, including any
42 special programs for pupils at an individual school.

1 (g) ~~[Records]~~ *The annual rate* of the attendance and truancy of
2 pupils in all grades, including, without limitation, the average daily
3 attendance of pupils, for each school in the district and the district
4 as a whole.

5 (h) The annual rate of pupils who drop out of school in grades 9
6 to 12, inclusive, for each such grade, for each school in the district
7 and for the district as a whole.

8 (i) Records of attendance of teachers who provide instruction,
9 for each school in the district and the district as a whole.

10 (j) Efforts made by the school district and by each school in the
11 district to increase:

12 (1) Communication with the parents of pupils in the district;
13 and

14 (2) The participation of parents in the educational process and
15 activities relating to the school district and each school, including,
16 without limitation, the existence of parent organizations and school
17 advisory committees.

18 (k) Records of incidents involving weapons or violence for each
19 school in the district.

20 (l) Records of incidents involving the use or possession of
21 alcoholic beverages or controlled substances for each school in the
22 district.

23 (m) Records of the suspension and expulsion of pupils required
24 or authorized pursuant to NRS 392.466 and 392.467.

25 (n) The transiency rate of pupils for each school in the district
26 and the district as a whole.

27 (o) Each source of funding for the school district.

28 (p) For each high school in the district, the percentage of pupils
29 who graduated from that high school in the immediately preceding
30 year and enrolled in remedial courses in reading, writing or
31 mathematics at a university or community college within the
32 University and Community College System of Nevada.

33 (q) The technological facilities and equipment available at each
34 school and the district's plan to incorporate educational technology
35 at each school.

36 (r) Such other information as is directed by the superintendent of
37 public instruction.

38 3. The superintendent of public instruction shall:

39 (a) Prescribe forms for the reports required pursuant to
40 subsection 2 and provide the forms to the respective school
41 districts.

42 (b) Provide statistical information and technical assistance to the
43 school districts to ensure that the reports provide comparable

1 information with respect to each school in each district and among
2 the districts.

3 (c) Consult with a representative of the:

- 4 (1) Nevada State Education Association;
- 5 (2) Nevada Association of School Boards;
- 6 (3) Nevada Association of School Administrators;
- 7 (4) Nevada Parent Teachers Association;
- 8 (5) Budget division of the department of administration; and
- 9 (6) Legislative counsel bureau,

10 concerning the program and consider any advice or
11 recommendations submitted by the representatives with respect to
12 the program.

13 *4. On or before April 15 of each year, the board of trustees of*
14 *each school district shall submit to the advisory board to review*
15 *school attendance created in the county pursuant to section 4 of*
16 *this act the information required in paragraph (g) of subsection 2.*

17 Sec. 14. Chapter 62 of NRS is hereby amended by adding
18 thereto a new section to read as follows:

19 *1. In addition to any other action authorized pursuant to the*
20 *provisions of this chapter, if a child is found to be in need of*
21 *supervision because he is a habitual truant, the court shall:*

22 *(a) The first time the child is found to be in need of supervision*
23 *because he is a habitual truant:*

24 *(1) Order the child to pay a fine of not more than \$100*
25 *pursuant to paragraph (l) of subsection 1 of NRS 62.211 and the*
26 *administrative assessment required by NRS 62.223; and*

27 *(2) If the child is 14 years of age or older, order the*
28 *suspension of the child's driver's license for 30 days. If the child*
29 *does not possess a driver's license, the court shall prohibit the*
30 *child from applying for a driver's license for 30 days:*

31 *(I) Immediately following the date of the order if the child*
32 *is eligible to apply for a driver's license; or*

33 *(II) After the date he becomes eligible to apply for a*
34 *driver's license if the child is not eligible to apply for a driver's*
35 *license.*

36 *(b) The second or any subsequent time the child is found to be*
37 *in need of supervision because he is a habitual truant:*

38 *(1) Order the child to:*

39 *(I) Pay a fine of not more than \$200 pursuant to*
40 *paragraph (l) of subsection 1 of NRS 62.211 and the*
41 *administrative assessment required by NRS 62.223;*

42 *(II) Perform not more than 10 hours of community*
43 *service in compliance with the provisions of subsection 3; or*

(III) Comply with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the child's driver's license for 60 days. If the child does not possess a driver's license, the court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date he becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days after the imposition of the fine, or has a valid excuse acceptable to his teacher or the principal for any absence from school within that period.

3. The community service ordered pursuant to subsection 1 must be performed:

(a) For and under the supervising authority of a county, city, town or other political subdivision or agency of this state or a charitable organization that renders service to the community or its residents; and

(b) At the child's school of attendance, if practicable.

4. If the court issues an order suspending a child's driver's license pursuant to subsection 1, the judge shall require the child to surrender to the court all driver's licenses then held by the child.

2. Chapter 583, Statutes of Nevada 1997, at page 2860, is hereby amended by adding thereto new sections to be designated as sections 28.1 and 28.2, immediately following section 28, to read respectively as follows:

Sec. 28.1. Section 3 of chapter 226, Statutes of Nevada 1997, at page 793, is hereby amended to read as follows:

Sec. 3. 1. When a court issues an order pursuant to NRS 62.226 ~~[, 62.228]~~ or 62.228, section 2 of ~~[this act,]~~ **Assembly Bill No. 176 of this session or section 14 of this act**, it shall forward to the department of motor vehicles and public safety a copy of the order and the driver's license of the child who is the subject of the order within 5 days after issuing the order.

2. The department of motor vehicles and public safety:

(a) Shall not treat such an unlawful act set forth in NRS 62.226 ~~[, 62.228]~~ or 62.228, section 2 of ~~[this act,]~~ **Assembly Bill No. 176 of this session or section 14 of this act** in the manner statutorily required for moving traffic violations.

(b) Shall report the suspension of a driver's license pursuant to NRS 62.226 ~~[, 62.228]~~ or **62.228**, section 2 of ~~[this act]~~ **Assembly Bill No. 176 of this session or section 14 of this act** to an insurance company or its agent inquiring about the driving record of the child, but such a suspension must not be considered for the purpose of rating or underwriting.

(c) Shall not require a child whose driver's license was suspended pursuant to NRS 62.226 ~~[, 62.227]~~ or **62.228**, section 2 of ~~[this act]~~ **Assembly Bill No. 176 of this session or section 14 of this act** to submit to the tests and other requirements that are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license, unless the suspension also resulted from his poor performance as a driver.

Sec. 28.2. Section 6 of chapter 480, Statutes of Nevada 1997, at page 1841, is hereby amended to read as follows:

Sec. 6. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district ~~[,]~~ **, including, without limitation, pupils enrolled in charter schools in the school district.**

2. The board of trustees of each school district shall, on or before March 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the district and the district as a whole ~~[,]~~ **, including, without limitation, each charter school in the district.** Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district **, including, without limitation, each charter school in the district,** and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

1 (2) An explanation of instances in which a school was
2 exempt from administering or a pupil was exempt from taking an
3 examination; and

4 (3) A record of attendance for the period in which the
5 examinations were administered, including an explanation of any
6 difference in the number of pupils who took the examinations and
7 the number of pupils in attendance in that period.

8 In addition, the board shall also report the results of other
9 examinations of pupil achievement administered to pupils in the
10 school district in grades other than 4, 8, 10 and 11. The results of
11 these examinations for the current school year must be compared
12 with those of previous school years.

13 (c) The ratio of pupils to teachers in kindergarten and at each
14 grade level for each elementary school in the district and the
15 district as a whole, *including, without limitation, each charter*
16 *school in the district*, the average class size for each required
17 course of study for each secondary school in the district and the
18 district as a whole, *including, without limitation, each charter*
19 *school in the district*, and other data concerning licensed and
20 unlicensed employees of the school district.

21 (d) A comparison of the types of classes that each teacher has
22 been assigned to teach with the qualifications and licensure of the
23 teacher, for each school in the district and the district as a whole
24 ~~H~~, *including, without limitation, each charter school in the*
25 *district*.

26 (e) The total expenditure per pupil for each school in the
27 district and the district as a whole ~~H~~, *including, without*
28 *limitation, each charter school in the district*.

29 (f) The curriculum used by the school district, including ~~any~~
30 :

31 (1) *Any* special programs for pupils at an individual school
32 ~~H~~; and

33 (2) *The curriculum used by each charter school in the*
34 *district*.

35 (g) The annual rate of the attendance and truancy of pupils in
36 all grades, including, without limitation, the average daily
37 attendance of pupils, for each school in the district and the
38 district as a whole ~~H~~, *including, without limitation, each*
39 *charter school in the district*.

40 (h) The annual rate of pupils who drop out of school in grades
41 9 to 12, inclusive, for each such grade, for each school in the
42 district and for the district as a whole.

1 (i) Records of attendance of teachers who provide instruction,
2 for each school in the district and the district as a whole ~~H~~,
3 *including, without limitation, each charter school in the*
4 *district.*

5 (j) Efforts made by the school district and by each school in
6 the district *, including, without limitation, each charter school*
7 *in the district,* to increase:

8 (1) Communication with the parents of pupils in the district;
9 and

10 (2) The participation of parents in the educational process
11 and activities relating to the school district and each school,
12 including, without limitation, the existence of parent
13 organizations and school advisory committees.

14 (k) Records of incidents involving weapons or violence for
15 each school in the district ~~H~~, *including, without limitation,*
16 *each charter school in the district.*

17 (l) Records of incidents involving the use or possession of
18 alcoholic beverages or controlled substances for each school in
19 the district ~~H~~, *including, without limitation, each charter*
20 *school in the district.*

21 (m) Records of the suspension and expulsion of pupils
22 required or authorized pursuant to NRS 392.466 and 392.467.

23 (n) The transiency rate of pupils for each school in the district
24 and the district as a whole ~~H~~, *including, without limitation,*
25 *each charter school in the district.*

26 (o) Each source of funding for the school district.

27 (p) For each high school in the district, *including, without*
28 *limitation, each charter school in the district,* the percentage of
29 pupils who graduated from that high school *or charter school* in
30 the immediately preceding year and enrolled in remedial courses
31 in reading, writing or mathematics at a university or community
32 college within the University and Community College System of
33 Nevada.

34 (q) The technological facilities and equipment available at
35 each school *, including, without limitation, each charter school,*
36 and the district's plan to incorporate educational technology at
37 each school.

38 (r) Such other information as is directed by the superintendent
39 of public instruction.

40 3. The superintendent of public instruction shall:

41 (a) Prescribe forms for the reports required pursuant to
42 subsection 2 and provide the forms to the respective school
43 districts.

1 (b) Provide statistical information and technical assistance to
2 the school districts to ensure that the reports provide comparable
3 information with respect to each school in each district and
4 among the districts.

5 (c) Consult with a representative of the:

- 6 (1) Nevada State Education Association;
7 (2) Nevada Association of School Boards;
8 (3) Nevada Association of School Administrators;
9 (4) Nevada Parent Teachers Association;
10 (5) Budget division of the department of administration;

11 and

12 (6) Legislative counsel bureau,
13 concerning the program and consider any advice or
14 recommendations submitted by the representatives with respect
15 to the program.

16 4. On or before April 15 of each year, the board of trustees
17 of each school district shall submit to the advisory board to
18 review school attendance created in the county pursuant to
19 section 4 of ~~this act~~ *Assembly Bill No. 486 of this session* the
20 information required in paragraph (g) of subsection 2.

21 **Sec. 87.** Section 11 of chapter 584, Statutes of Nevada 1997, at page
22 2863, is hereby amended to read as follows:

23 Sec. 11. NRS 487.480 is hereby amended to read as follows:

24 487.480 1. Before an operator of a salvage pool sells any
25 vehicle subject to registration pursuant to the laws of this state, he
26 must have in his possession the certificate of ownership or a bill of
27 sale of salvage for that vehicle. He shall, within 10 days after
28 completion of the transaction, forward the certificate of ownership
29 or bill of sale of salvage to the department. The department shall
30 not issue a certificate of registration or certificate of ownership for a
31 vehicle with the same identification number if the vehicle was
32 manufactured in the 5 years preceding the date on which the
33 operator forwards the certificates to the department, unless the
34 department authorizes the restoration of the vehicle pursuant to
35 subsection 2 of NRS 482.553.

36 2. Upon sale of the vehicle, the operator of the salvage pool
37 shall provide a bill of sale of salvage to the licensed automobile
38 wrecker, dealer of new or used motor vehicles or rebuilder on a
39 form prescribed and supplied by the department. The department
40 shall accept the bill of sale in lieu of the certificate of ownership or
41 other evidence of title from the:

42 (a) Automobile wrecker if accompanied by an appropriate
43 application for a certificate of dismantling; or

(b) Dealer of new or used motor vehicles or rebuilder when he licenses the vehicle for operation or transfers ownership of it, if the bill of sale is accompanied by an appropriate application, all other required documents and fees, and a certificate of inspection signed by an employee of the department attesting to the mechanical fitness and safety of the vehicle.

3. The department may issue to ~~the automobile wrecker~~ :

(a) *The licensed automobile wrecker;*

(b) *A salvage pool;*

(c) *A dealer of new or used motor vehicles who is licensed in another state; or*

(d) *An automobile wrecker or dismantler who is licensed in another state,*

a certificate of dismantling that contains a brief description of the vehicle, including, insofar as data may exist with respect to the vehicle, the make, type, serial number and motor number, or any other number of the vehicle. *Except as otherwise provided in this subsection, the department shall charge and collect a fee of \$10 for the issuance of a certificate of dismantling pursuant to this subsection. The department shall not charge such a fee for the issuance of a certificate of dismantling to an automobile wrecker licensed in this state. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers, body shops and garages. Possession of a certificate of dismantling does not entitle a person to dismantle, scrap, process or wreck any vehicle in this state unless the person holds a license issued pursuant to NRS 487.050.*

Sec. 88. Sections 11 and 12 of chapter 585, Statutes of Nevada 1997, at pages 2875 and 2878, respectively, are hereby amended to read respectively as follows:

Sec. 11. NRS 279.480 is hereby amended to read as follows:

279.480 An agency may:

1. Invest any money held in reserves or sinking funds, or any money not required for immediate disbursement, in ~~property or securities in which savings banks may legally invest money subject to their control.~~ :

(a) *Obligations issued by the United States Postal Service or the Federal National Mortgage Association, whether or not the payment of principal and interest thereon is guaranteed by the Federal Government.*

(b) *Bonds or other obligations issued by a redevelopment agency created pursuant to NRS 279.382 to 279.685, inclusive, or*

1 *a legislative body that has elected to exercise the powers granted*
2 *to an agency pursuant to the provisions of NRS 279.382 to*
3 *279.685, inclusive.*

4 *(c) Bonds or other securities issued pursuant to the provisions*
5 *of NRS 349.150 to 349.364, inclusive, 350.500 to 350.720,*
6 *inclusive, or 396.809 to 396.885, inclusive.*

7 *(d) Money market mutual funds that:*

8 *(1) Are registered with the Securities and Exchange*
9 *Commission;*

10 *(2) Are rated by a nationally recognized rating service as*
11 *“AAA” or its equivalent; and*

12 *(3) Invest only in securities issued or guaranteed as to*
13 *payment of principal and interest by the Federal Government, or*
14 *its agencies or instrumentalities, or in repurchase agreements that*
15 *are fully collateralized by such securities.*

16 *(e) Any other investment in which a city may invest pursuant*
17 *to NRS 355.170.*

18 2. Purchase its bonds at a price not more than their principal
19 amount and accrued interest. All bonds so purchased ~~shall~~ **must**
20 be canceled.

21 Sec. 12. NRS 315.470 is hereby amended to read as follows:

22 315.470 An authority may:

23 1. Invest any funds held in reserves or sinking funds, or any
24 funds not required for immediate disbursement, in ~~liquid securities~~
25 ~~in which savings banks may legally invest funds subject to their~~
26 ~~control.~~ :

27 *(a) Obligations issued by the United States Postal Service or*
28 *the Federal National Mortgage Association, whether or not the*
29 *payment of principal and interest thereon is guaranteed by the*
30 *Federal Government.*

31 *(b) Bonds or other obligations issued by a redevelopment*
32 *agency created pursuant to NRS 279.382 to 279.685, inclusive, or*
33 *a legislative body that has elected to exercise the powers granted*
34 *an agency pursuant to NRS 279.382 to 279.685, inclusive.*

35 *(c) Bonds or other securities issued pursuant to the provisions*
36 *of NRS 349.150 to 349.364, inclusive, 350.500 to 350.720,*
37 *inclusive, or 396.809 to 396.885, inclusive.*

38 *(d) Money market mutual funds that:*

39 *(1) Are registered with the Securities and Exchange*
40 *Commission;*

41 *(2) Are rated by a nationally recognized rating service as*
42 *“AAA” or its equivalent; and*

1 (3) *Invest only in securities issued or guaranteed as to*
2 *payment of principal and interest by the Federal Government, or*
3 *its agencies or instrumentalities, or in repurchase agreements that*
4 *are fully collateralized by such securities.*

5 2. Redeem its bonds at the redemption price established therein
6 or purchase its bonds at less than such redemption price . ~~[- all]~~ *All*
7 bonds so redeemed or purchased ~~[shall]~~ *must* be canceled.

8 **Sec. 89.** 1. Section 28 of chapter 588, Statutes of Nevada 1997, at
9 page 2975, is hereby amended to read as follows:

10 Sec. 28. 1. This *section and sections 1 to 7, inclusive, and 8*
11 *to 27.5, inclusive, of this act* ~~[becomes]~~ *become* effective on July 1,
12 1997.

13 2. *Section 7.5 of this act becomes effective on December 1,*
14 *1997.*

15 2. Chapter 588, Statutes of Nevada 1997, at page 2968, is hereby
16 amended by adding thereto a new section to be designated as section 7.5,
17 immediately following section 7, to read as follows:

18 Sec. 7.5. *“Fixed guideway” means a mass transportation*
19 *facility which uses and occupies a separate right of way or rails*
20 *exclusively for public transportation, including, without*
21 *limitation, fixed rail, automated guideway transit and exclusive*
22 *facilities for buses.*

23 3. Chapter 588, Statutes of Nevada 1997, at page 2975, is hereby
24 amended by adding thereto new sections to be designated as sections 27.1
25 and 27.2, immediately following section 27, to read respectively as follows:

26 Sec. 27.1. Section 20 of chapter 513, Statutes of Nevada 1997,
27 at page 2447, is hereby amended to read as follows:

28 Sec. 20. This *section and sections 1 and 3 to 19, inclusive,*
29 *of this act* ~~[becomes]~~ *become* effective on December 1, 1997.

30 Sec. 27.2. Section 2 of chapter 513, Statutes of Nevada 1997,
31 at page 2439, is hereby repealed.

32 **Sec. 90.** 1. Sections 1 and 3 of chapter 592, Statutes of Nevada
33 1997, at pages 2979 and 2980, respectively, are hereby amended to read
34 respectively as follows:

35 Section 1. NRS 361.068 is hereby amended to read as follows:

36 361.068 1. The following personal property is exempt from
37 taxation:

- 38 (a) Personal property held for sale by a merchant;
39 (b) Personal property held for sale by a manufacturer;
40 (c) Raw materials and components held by a manufacturer for
41 manufacture into products, and supplies to be consumed in the
42 process of manufacture;

- (d) Tangible personal property purchased by a business which will be consumed during the operation of the business;
- (e) Livestock;
- (f) Colonies of bees;
- (g) Pipe and other agricultural equipment used to convey water for the irrigation of legal crops;
- (h) All boats; ~~and~~
- (i) Slide-in campers and camper shells ~~and~~ ; and
- (j) Fine art for public display.*

2. The Nevada tax commission may exempt from taxation that personal property for which the annual taxes would be less than the cost of collecting those taxes. If such an exemption is provided, the Nevada tax commission shall annually determine the average cost of collecting property taxes in this state which must be used in determining the applicability of the exemption.

3. *A person claiming the exemption provided for in paragraph (j) of subsection 1 shall, on or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art:*

(a) Was purchased in an arm's length transaction for \$25,000 or more, or has an appraised value of \$25,000 or more;

(b) Will be on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of the year for which the exemption is claimed; and

(c) Will be available for educational purposes.

4. As used in this section ~~and "boat"~~ :

(a) *"Boat"* includes any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) *"Fine art for public display" means a work of art which:*

(1) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(2) Was purchased in an arm's length transaction for \$25,000 or more, or has an appraised value of \$25,000 or more;

(3) Is on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of each year for which the exemption is claimed; and

(4) Is available for educational purposes.

1 Sec. 3. 1. This section and ~~[section]~~ *sections 2.1 and 2.2 of*
2 *this act become effective on June 30, 1997.*

3 2. *Section* 2 of this act ~~[become]~~ *becomes* effective on July 1,
4 1997.

5 ~~[2.]~~ 3. Section 1 of this act becomes effective at 12:01 a.m. on
6 July 1, 1997.

7 2. Chapter 592, Statutes of Nevada 1997, at page 2980, is hereby
8 amended by adding thereto new sections to be designated as sections 2.1
9 and 2.2, immediately following section 2, to read respectively as follows:

10 Sec. 2.1. Sections 2 and 3 of chapter 317, Statutes of Nevada
11 1997, at pages 1197 and 1198, respectively, are hereby amended to
12 read respectively as follows:

13 Sec. 2. NRS 361.068 is hereby amended to read as follows:

14 361.068 1. The following personal property is exempt from
15 taxation:

16 (a) Personal property held for sale by a merchant;

17 (b) Personal property held for sale by a manufacturer;

18 (c) Raw materials and components held by a manufacturer for
19 manufacture into products, and supplies to be consumed in the
20 process of manufacture;

21 (d) Tangible personal property purchased by a business which
22 will be consumed during the operation of the business;

23 (e) Livestock;

24 (f) Colonies of bees;

25 (g) Pipe and other agricultural equipment used to convey
26 water for the irrigation of legal crops;

27 (h) All boats;

28 (i) Slide-in campers and camper shells; ~~[and]~~

29 (j) Fine art for public display ~~[+]~~ ; *and*

30 (k) *Computers and related equipment donated for use in*
31 *schools in this state.*

32 2. The Nevada tax commission may exempt from taxation
33 that personal property for which the annual taxes would be less
34 than the cost of collecting those taxes. If such an exemption is
35 provided, the Nevada tax commission shall annually determine
36 the average cost of collecting property taxes in this state which
37 must be used in determining the applicability of the exemption.

38 3. A person claiming the exemption provided for in
39 paragraph (j) of subsection 1 shall, on or before June 15 for the
40 next ensuing fiscal year, file with the county assessor an affidavit
41 declaring that the fine art:

42 (a) Was purchased in an arm's length transaction for \$25,000
43 or more, or has an appraised value of \$25,000 or more;

1 (b) Will be on public display in a public or private art gallery,
2 museum or other building or area in this state for at least 20
3 hours per week during at least 35 weeks of the year for which the
4 exemption is claimed; and

5 (c) Will be available for educational purposes.

6 4. *To qualify for the exemption provided in paragraph (k)*
7 *of subsection 1, a taxpayer must donate the property through a*
8 *foundation or organization, not for profit, that accepts such*
9 *property for use in schools in this state. The foundation or*
10 *organization shall issue a voucher identifying each item of*
11 *property donated. To obtain the benefit of the exemption, the*
12 *taxpayer must apply to the county assessor and tender the*
13 *voucher. The county assessor shall compute the assessed value*
14 *of the property for the year in which the donation was made*
15 *using the original cost and the year of acquisition. The county*
16 *assessor shall allow a credit of that amount against the*
17 *personal property assessment for the year following the*
18 *donation.*

19 5. As used in this section:

20 (a) "Boat" includes any vessel or other watercraft, other than a
21 seaplane, used or capable of being used as a means of
22 transportation on the water.

23 (b) "Fine art for public display" means a work of art which:

24 (1) Is an original painting in oil, mineral, water colors,
25 vitreous enamel, pastel or other medium, an original mosaic,
26 drawing or sketch, an original sculpture of clay, textiles, fiber,
27 wood, metal, plastic, glass or a similar material, an original work
28 of mixed media or a lithograph;

29 (2) Was purchased in an arm's length transaction for
30 \$25,000 or more, or has an appraised value of \$25,000 or more;

31 (3) Is on public display in a public or private art gallery,
32 museum or other building or area in this state for at least 20
33 hours per week during at least 35 weeks of each year for which
34 the exemption is claimed; and

35 (4) Is available for educational purposes.

36 Sec. 3. This *section and section 2 of this* act ~~becomes~~
37 *become* effective *at 12:02 a.m.* on July 1, 1997, and ~~expires~~
38 *expire* by limitation on June 30, 2003.

39 Sec. 2.2. Section 1 of chapter 317, Statutes of Nevada 1997, at
40 page 1197, is hereby repealed.

1 **Sec. 91.** 1. Section 1 of chapter 596, Statutes of Nevada 1997, at
2 page 2990, is hereby amended to read as follows:

3 Section 1. NRS 706.756 is hereby amended to read as follows:

4 706.756 1. Except as otherwise provided in subsection 2, any
5 person who:

6 (a) Operates a vehicle or causes it to be operated in any carriage
7 to which the provisions of NRS 706.011 to 706.861, inclusive,
8 apply without first obtaining a certificate, permit or license, or in
9 violation of the terms thereof;

10 (b) Fails to make any return or report required by the provisions
11 of NRS 706.011 to 706.861, inclusive, or by the commission or the
12 department pursuant to the provisions of NRS 706.011 to 706.861,
13 inclusive;

14 (c) Violates, or procures, aids or abets the violating of, any
15 provision of NRS 706.011 to 706.861, inclusive;

16 (d) Fails to obey any order, decision or regulation of the
17 commission or the department;

18 (e) Procures, aids or abets any person in his failure to obey such
19 an order, decision or regulation of the commission or the
20 department;

21 (f) Advertises, solicits, proffers bids or otherwise holds himself
22 out to perform transportation as a common or contract carrier in
23 violation of any of the provisions of NRS 706.011 to 706.861,
24 inclusive;

25 (g) Advertises as providing:

26 (1) The services of a fully regulated carrier; or

27 (2) Towing services,

28 without including the number of his certificate of public
29 convenience and necessity or contract carrier's permit in each
30 advertisement;

31 (h) Knowingly offers, gives, solicits or accepts any rebate,
32 concession or discrimination in violation of the provisions of this
33 chapter;

34 (i) Knowingly, willfully and fraudulently seeks to evade or
35 defeat the purposes of this chapter;

36 (j) Operates or causes to be operated a vehicle which does not
37 have the proper identifying device;

38 (k) Displays or causes or permits to be displayed a certificate,
39 permit, license or identifying device, knowing it to be fictitious or
40 to have been canceled, revoked, suspended or altered;

41 (l) Lends or knowingly permits the use of by one not entitled
42 thereto any certificate, permit, license or identifying device issued
43 to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the commission or department any certificate, permit, license or identifying device which has been suspended, canceled or revoked pursuant to the provisions of this chapter, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. A person convicted of a misdemeanor for a violation of the provisions of NRS 706.386 or 706.421 shall be punished:

(a) For the first offense by a fine of not less than \$500 nor more than \$1,000;

(b) For a second offense within 12 consecutive months and each subsequent offense by a fine of \$1,000; or

(c) For any offense, by imprisonment in the county jail for not more than 6 months, or by both the prescribed fine and imprisonment.

3. *Any person who operates or permits the operation of a vehicle in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.391 is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, he may cause the vehicle to be towed immediately from the scene.*

4. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

~~[4.]~~ 5. Any bail allowed must not be less than the appropriate fine provided for by this section.

2. Chapter 596, Statutes of Nevada 1997, at page 2992, is hereby amended by adding thereto new sections to be designated as sections 2.1 and 2.2, immediately following section 2, to read respectively as follows:

Sec. 2.1. Section 193 of chapter 482, Statutes of Nevada 1997, at page 1952, is hereby amended to read as follows:

Sec. 193. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *sections 2 and 3 of Senate Bill No. 444 of this session and sections 104 to 128, inclusive, of this act*, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

1 (b) Fails to make any return or report required by the
2 provisions of NRS 706.011 to 706.861, inclusive, *sections 2 and*
3 *3 of Senate Bill No. 444 of this session and sections 104 to 128,*
4 *inclusive, of this act,* or by the ~~commission~~ authority or the
5 department pursuant to the provisions of NRS 706.011 to
6 706.861, inclusive ~~§~~, *sections 2 and 3 of Senate Bill No. 444*
7 *of this session and sections 104 to 128, inclusive, of this act;*

8 (c) Violates, or procures, aids or abets the violating of, any
9 provision of NRS 706.011 to 706.861, inclusive ~~§~~, *sections 2*
10 *and 3 of Senate Bill No. 444 of this session and sections 104 to*
11 *128, inclusive, of this act;*

12 (d) Fails to obey any order, decision or regulation of the
13 ~~commission~~ authority or the department;

14 (e) Procures, aids or abets any person in his failure to obey
15 such an order, decision or regulation of the ~~commission~~
16 authority or the department;

17 (f) Advertises, solicits, proffers bids or otherwise holds
18 himself out to perform transportation as a common or contract
19 carrier in violation of any of the provisions of NRS 706.011 to
20 706.861, inclusive ~~§~~, *sections 2 and 3 of Senate Bill No. 444*
21 *of this session and sections 104 to 128, inclusive, of this act;*

22 (g) Advertises as providing:

23 (1) The services of a fully regulated carrier; or

24 (2) Towing services,
25 without including the number of his certificate of public
26 convenience and necessity or contract carrier's permit in each
27 advertisement;

28 (h) Knowingly offers, gives, solicits or accepts any rebate,
29 concession or discrimination in violation of the provisions of this
30 chapter;

31 (i) Knowingly, willfully and fraudulently seeks to evade or
32 defeat the purposes of this chapter;

33 (j) Operates or causes to be operated a vehicle which does not
34 have the proper identifying device;

35 (k) Displays or causes or permits to be displayed a certificate,
36 permit, license or identifying device, knowing it to be fictitious or
37 to have been canceled, revoked, suspended or altered;

38 (l) Lends or knowingly permits the use of by one not entitled
39 thereto any certificate, permit, license or identifying device
40 issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the ~~commission~~ authority or department any certificate, permit, license or identifying device which has been suspended, canceled or revoked pursuant to the provisions of this chapter, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. A person convicted of a misdemeanor for a violation of the provisions of NRS 706.386 or 706.421 shall be punished:

(a) For the first offense by a fine of not less than \$500 nor more than \$1,000;

(b) For a second offense within 12 consecutive months and each subsequent offense by a fine of \$1,000; or

(c) For any offense, by imprisonment in the county jail for not more than 6 months, or by both the prescribed fine and imprisonment.

3. Any person who operates or permits the operation of a vehicle in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.391 is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, he may cause the vehicle to be towed immediately from the scene.

4. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

5. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 2.2. Section 5 of chapter 436, Statutes of Nevada 1997, at page 1543, is hereby repealed.

Sec. 92. Sections 2 and 4 of chapter 597, Statutes of Nevada 1997, at pages 2993 and 2994, respectively, are hereby amended to read respectively as follows:

Sec. 2. NRS 482.327 is hereby amended to read as follows:

482.327 1. If a vehicle dealer, *other than a short-term lessor*, has one or more branches, he shall procure from the department a license for each branch in addition to the license issued for his principal place of business.

2. The department shall specify on each license it issues:

(a) The name of the licensee;

(b) The location for which the license is issued; and

(c) The name under which the licensee does business at that location.

1 3. Each vehicle dealer shall post each license issued to him by
2 the department in a conspicuous place clearly visible to the general
3 public at the location described in the license.

4 4. The department shall, by regulation, provide for the issuance
5 of a temporary license for a licensed dealer to conduct business at a
6 temporary location. Any such regulations must include the
7 imposition of a reasonable fee for the issuance of the temporary
8 license.

9 Sec. 4. ~~{Section}~~ *Sections 2 and* 3 of this act ~~{becomes}~~
10 *become* effective at 12:01 a.m. on October 1, 1997.

11 **Sec. 93.** Section 1 of chapter 598, Statutes of Nevada 1997, at page
12 2994, is hereby amended to read as follows:

13 Section 1. NRS 339.025 is hereby amended to read as follows:

14 339.025 1. Before any contract, except one subject to the
15 provisions of chapter 408 of NRS, exceeding \$35,000 for any
16 project for the new construction, repair or reconstruction of any
17 public building or other public work or public improvement of any
18 contracting body is awarded to any contractor, he ~~{must}~~ *shall*
19 furnish to the contracting body the following bonds which become
20 binding upon the award of the contract to the contractor:

21 (a) A performance bond in an amount to be fixed by the
22 contracting body, but not less than 50 percent of the contract
23 amount, conditioned upon the faithful performance of the contract
24 in accordance with the plans, specifications and conditions of the
25 contract. The bond must be solely for the protection of the
26 contracting body which awarded the contract.

27 (b) A payment bond in an amount to be fixed by the contracting
28 body, but not less than 50 percent of the contract amount. The bond
29 must be solely for the protection of claimants supplying labor or
30 materials to the contractor to whom the contract was awarded, or to
31 any of his subcontractors, in the prosecution of the work provided
32 for in such contract.

33 2. *If a general contractor has been awarded a contract,*
34 *except one subject to the provisions of chapter 408 of NRS, by the*
35 *state public works board for any project for new construction,*
36 *repair or reconstruction of any public building or other public*
37 *work or public improvement, each of his subcontractors who will*
38 *perform work on the contract that exceeds \$50,000 or 1 percent of*
39 *the proposed project, whichever amount is greater, shall furnish a*
40 *bond to the board in an amount to be fixed by the board.*

41 3. Each of the bonds *required pursuant to this section* must be
42 executed by one or more surety companies authorized to do
43 business in the State of Nevada. If the contracting body is the State

1 of Nevada or any officer, employee, board, bureau, commission,
2 department, agency or institution thereof, the bonds must be
3 payable to the State of Nevada. If the contracting body is other than
4 one of those enumerated in this subsection, the bonds must be
5 payable to the other contracting body.

6 ~~[3.]~~ 4. Each of the bonds must be filed in the office of the
7 contracting body which awarded the contract for which the bonds
8 were given.

9 ~~[4.]~~ 5. Nothing in this section prohibits a contracting body
10 from requiring bonds.

11 **Sec. 94.** Section 13 of chapter 599, Statutes of Nevada 1997, at page
12 3003, is hereby amended to read as follows:

13 Sec. 13. Chapter 502, Statutes of Nevada 1995, at page ~~[1658,]~~
14 **1660**, is hereby amended by adding thereto new sections **to be**
15 designated as sections ~~[4 and 5]~~ **4.1 and 4.2, immediately following**
16 **section 4**, to read as follows:

17 Sec. ~~[4.]~~ **4.1.** On or before October 1, 1999, the department
18 of motor vehicles and public safety shall determine and publicly
19 declare the number of applications it has received for a license
20 plate pursuant to section 1 of this act.

21 Sec. ~~[5.]~~ **4.2.** The amendatory provisions of **sections 1 and**
22 **3 of** this act expire by limitation on October 1, 1999, if on that
23 date the department of motor vehicles and public safety has
24 received fewer than 250 applications for a license plate pursuant
25 to section 1 of this act.

26 **Sec. 95.** Sections 27 and 29 of chapter 603, Statutes of Nevada 1997,
27 at page 3036, are hereby amended to read respectively as follows:

28 Sec. 27. NRS 695B.320 is hereby amended to read as follows:

29 695B.320 Nonprofit hospital and medical or dental service
30 corporations are subject to the provisions of this chapter, and to the
31 provisions of chapters 679A and 679B of NRS, NRS 686A.010 to
32 686A.315, inclusive, **687B.010 to 687B.040, inclusive, 687B.070**
33 **to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200**
34 **to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380,**
35 **inclusive, 687B.410, 687B.420, 687B.430,** and chapters 692C and
36 696B of NRS, to the extent applicable and not in conflict with the
37 express provisions of this chapter.

38 Sec. 29. NRS 695F.090 is hereby amended to read as follows:

39 695F.090 Prepaid limited health service organizations are
40 subject to the provisions of this chapter and to the following
41 provisions, ~~[of this Title,]~~ to the extent reasonably applicable:

1 1. NRS 687B.310 to 687B.420, inclusive, concerning
2 cancellation and nonrenewal of policies.

3 2. NRS 687B.122 to 687B.128, inclusive, concerning
4 readability of policies.

5 3. The requirements of NRS 679B.152.

6 4. The fees imposed pursuant to NRS 449.465.

7 5. NRS 686A.010 to 686A.310, inclusive, concerning trade
8 practices and frauds.

9 6. The assessment imposed pursuant to subsection 3 of NRS
10 679B.158.

11 7. Chapter 683A of NRS.

12 8. To the extent applicable, the provisions of sections 60 to 88,
13 inclusive, of Assembly Bill No. 521 of this session and chapter
14 689C of NRS relating to the portability and availability of health
15 insurance.

16 9. Section 1 of ~~{this act;}~~ *Assembly Bill No. 348 of this session.*

17 ***10. NRS 680B.025 to 680B.039, inclusive, concerning***
18 ***premium tax, premium tax rate, annual report and estimated***
19 ***quarterly tax payments. For the purposes of this subsection,***
20 ***unless the context otherwise requires that a section apply only to***
21 ***insurers, any reference in those sections to “insurer” must be***
22 ***replaced by a reference to “prepaid limited health service***
23 ***organization.”***

24 ***11. Chapter 692C of NRS, concerning holding companies.***

25 **Sec. 96.** 1. Section 3 of chapter 604, Statutes of Nevada 1997, at
26 page 3043, is hereby amended to read as follows:

27 Sec. 3. NRS 704.640 is hereby amended to read as follows:
28 704.640 Any person who:

29 1. Operates any public utility to which NRS 704.005 to
30 704.751, inclusive, ~~{and}~~ section 1 of ~~{this act; applies}~~ *Assembly*
31 ***Bill No. 345 of this session and section 1 of this act, apply*** without
32 first obtaining a certificate of public convenience and necessity or
33 in violation of its terms;

34 2. Fails to make any return or report required by NRS 704.005
35 to 704.751, inclusive, ~~{and}~~ section 1 of ~~{this act;}~~ *Assembly Bill*
36 ***No. 345 of this session and section 1 of this act,*** or by the
37 commission pursuant to NRS 704.005 to 704.751, inclusive, ~~{and}~~
38 section 1 of ~~{this act;}~~ *Assembly Bill No. 345 of this session and*
39 ***section 1 of this act;***

40 3. Violates, or procures, aids or abets the violating of, any
41 provision of NRS 704.005 to 704.751, inclusive, ~~{and}~~ section 1 of
42 ~~{this act;}~~ *Assembly Bill No. 345 of this session and section 1 of*
43 ***this act;***

1 4. Fails to obey any order, decision or regulation of the
2 commission;

3 5. Procures, aids or abets any person in his failure to obey the
4 order, decision or regulation; or

5 6. Advertises, solicits, proffers bids or otherwise holds himself
6 out to perform as a public utility in violation of any of the
7 provisions of NRS 704.005 to 704.751, inclusive, ~~and~~ section 1 of
8 ~~this act,~~ *Assembly Bill No. 345 of this session and section 1 of*
9 *this act,*

10 shall be fined not more than \$500.

11 2. Chapter 604, Statutes of Nevada 1997, at page 3044, is hereby
12 amended by adding thereto a new section to be designated as section 3.1,
13 immediately following section 3, to read as follows:

14 Sec. 3.1. Section 80 of chapter 482, Statutes of Nevada 1997,
15 at page 1912, is hereby amended to read as follows:

16 Sec. 80. NRS 704.640 is hereby amended to read as follows:
17 704.640 Any person who:

18 1. Operates any public utility to which NRS 704.005 to
19 704.751, inclusive, section 1 of Assembly Bill No. 345 of this
20 session, ~~and~~ section 1 of ~~this act,~~ *Assembly Bill No. 581 of*
21 *this session and sections 58 to 63, inclusive, of this act,* applies
22 without first obtaining a certificate of public convenience and
23 necessity or in violation of its terms;

24 2. Fails to make any return or report required by NRS
25 704.005 to 704.751, inclusive, section 1 of Assembly Bill No.
26 345 of this session, ~~and~~ section 1 of ~~this act,~~ *Assembly Bill*
27 *No. 581 of this session and sections 58 to 63, inclusive, of this*
28 *act,* or by the commission pursuant to NRS 704.005 to 704.751,
29 inclusive, section 1 of Assembly Bill No. 345 of this session,
30 ~~and~~ section 1 of ~~this act,~~ *Assembly Bill No. 581 of this*
31 *session and sections 58 to 63, inclusive, of this act;*

32 3. Violates, or procures, aids or abets the violating of, any
33 provision of NRS 704.005 to 704.751, inclusive, section 1 of
34 Assembly Bill No. 345 of this session, ~~and~~ section 1 of ~~this~~
35 ~~act,~~ *Assembly Bill No. 581 of this session and sections 58 to*
36 *63, inclusive, of this act;*

37 4. Fails to obey any order, decision or regulation of the
38 commission;

39 5. Procures, aids or abets any person in his failure to obey
40 the order, decision or regulation; or

41 6. Advertises, solicits, proffers bids or otherwise holds
42 himself out to perform as a public utility in violation of any of the
43 provisions of NRS 704.005 to 704.751, inclusive, section 1 of

1 Assembly Bill No. 345 of this session , ~~and~~ section 1 of ~~this~~
2 ~~act.~~ *Assembly Bill No. 581 of this session and sections 58 to*
3 *63, inclusive, of this act,*
4 shall be fined not more than \$500.

5 **Sec. 97.** Section 8 of chapter 605, Statutes of Nevada 1997, at page
6 3047, is hereby amended to read as follows:

7 Sec. 8. NRS 484.383 is hereby amended to read as follows:

8 484.383 1. Except as otherwise provided in subsections 3 and
9 4, any person who drives or is in actual physical control of a vehicle
10 on a highway or on premises to which the public has access shall be
11 deemed to have given his consent to an evidentiary test of his blood,
12 urine, breath or other bodily substance for the purpose of
13 determining the alcoholic content of his blood or breath or the
14 presence of a controlled substance when such a test is administered
15 at the direction of a police officer having reasonable grounds to
16 believe that the person to be tested was driving or in actual physical
17 control of a vehicle while under the influence of intoxicating liquor
18 or a controlled substance.

19 2. If the person to be tested pursuant to subsection 1 is dead or
20 unconscious, the officer shall direct that samples of blood from the
21 person be tested.

22 3. Any person who is afflicted with hemophilia or with a heart
23 condition requiring the use of an anticoagulant as determined by a
24 physician is exempt from any blood test which may be required
25 pursuant to this section but must, when appropriate pursuant to the
26 provisions of this section, be required to submit to a breath or urine
27 test.

28 4. If the alcoholic content of the blood or breath of the person
29 to be tested is in issue:

30 (a) Except as otherwise provided in this section, the person may
31 refuse to submit to a blood test if means are reasonably available to
32 perform a breath test.

33 (b) The person may request a blood test, but if means are
34 reasonably available to perform a breath test when the blood test is
35 requested, and the person is subsequently convicted, he must pay
36 for the cost of the blood test, including the fees and expenses of
37 witnesses in court.

38 (c) A police officer may direct the person to submit to a blood
39 test as set forth in subsection 7 if the officer has reasonable grounds
40 to believe that the person:

1 (1) Caused death or substantial bodily harm to another person
2 as a result of driving or being in actual physical control of a vehicle
3 while under the influence of intoxicating liquor or a controlled
4 substance; or

5 (2) Has been convicted within the previous 7 years of:

6 (I) A violation of NRS 484.379, 484.3795, subsection 2 of
7 NRS 488.205, NRS 488.206, section 4 of ~~this act~~ *Assembly Bill*
8 *No. 243 of this session* or a law of another jurisdiction that
9 prohibits the same or similar conduct; or

10 (II) Any other offense in this state or another jurisdiction in
11 which death or substantial bodily harm to another person resulted
12 from driving, operating or being in actual physical control of a
13 vehicle or a vessel under power or sail while under the influence of
14 intoxicating liquor or a controlled substance.

15 5. If the presence of a controlled substance in the blood of the
16 person is in issue, the officer may direct him to submit to a blood or
17 urine test, or both, in addition to the breath test.

18 6. Except as otherwise provided in subsections 3 and 5, a police
19 officer shall not direct a person to submit to a urine test.

20 7. If a person to be tested fails to submit to a required test as
21 directed by a police officer pursuant to this section and the officer
22 has reasonable grounds to believe that the person to be tested was
23 driving or in actual physical control of a motor vehicle while under
24 the influence of intoxicating liquor or a controlled substance, the
25 officer may direct that reasonable force be used to the extent
26 necessary to obtain samples of blood from the person to be tested.
27 Not more than three such samples may be taken during the 5-hour
28 period immediately following the time of the initial arrest. In such a
29 circumstance, the officer is not required to provide the person with
30 a choice of tests for determining the alcoholic content or presence
31 of a controlled substance in his blood.

32 *8. If a person who is less than 18 years of age is directed to*
33 *submit to an evidentiary test pursuant to this section, the officer*
34 *shall, before testing the person, make a reasonable attempt to*
35 *notify the parent, guardian or custodian of the person, if known.*

36 **Sec. 98.** 1. Section 7 of chapter 607, Statutes of Nevada 1997, at
37 page 3055, is hereby amended to read as follows:

38 Sec. 7. *1. This section and sections 5.1 and 5.2 of this act*
39 *become effective at 12:02 a.m. on September 30, 1997.*

40 *2. Sections 2, 4 and 5 of this act become effective at 12:01 a.m.*
41 *on October 1, 1997.*

2. Chapter 607, Statutes of Nevada 1997, at page 3055, is hereby amended by adding thereto new sections to be designated as sections 5.1 and 5.2, immediately following section 5, to read respectively as follows:

Sec. 5.1. Section 21 of chapter 599, Statutes of Nevada 1997, at page 3008, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 13 to 16, inclusive, of this act become effective upon passage and approval.

2. Sections 12, 17 ~~18 and 19~~ and 18 of this act become effective at 12:01 a.m. on October 1, 1997.

Sec. 5.2. Section 19 of chapter 599, Statutes of Nevada 1997, at page 3005, is hereby repealed.

Sec. 99. Sections 2 and 6 of chapter 614, Statutes of Nevada 1997, at pages 3064 and 3066, respectively, are hereby amended to read respectively as follows:

Sec. 2. NRS 293.250 is hereby amended to read as follows:

293.250 1. The secretary of state shall, in a manner consistent with the election laws of this state, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, pollbooks, registers, rosters, statements and abstracts required by the election laws of this state.

(b) The procedure to be followed when a computer is used to register voters and to keep records of registration.

2. ~~He~~ *The secretary of state* shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the state.

(b) The listing of all other candidates required to file with him, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his county.

3. ~~He~~ *The secretary of state* shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for and explanation of each proposed constitutional amendment or statewide measure, including arguments for and against it, must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the secretary of state, upon consultation with the attorney general. ~~They~~ *The fiscal notes for*

1 *constitutional amendments and statewide measures proposed by*
2 *initiative or referendum must be prepared by the secretary of*
3 *state, upon consultation with the fiscal analysis division of the*
4 *legislative counsel bureau. The condensations, explanations and*
5 *fiscal notes* must be in easily understood language and of
6 reasonable length, and whenever feasible must be completed by
7 ~~{April}~~ **August** 1 of the year in which the general election is to be
8 held.

9 6. The names of candidates for township and legislative or
10 special district offices must be printed only on the ballots furnished
11 to voters of that township or district.

12 7. A county clerk:

13 (a) May divide paper ballots into two sheets in a manner which
14 provides a clear understanding and grouping of all measures and
15 candidates.

16 (b) Shall prescribe the color or colors of the ballots and voting
17 receipts used in any election which the clerk is required to conduct.

18 Sec. 6. ~~{Section}~~ **Sections 2 and** 4 of this act ~~{becomes}~~
19 **become** effective at 12:01 a.m. on October 1, 1997.

20 **Sec. 100.** 1. Section 2 of chapter 618, Statutes of Nevada 1997, at
21 page 3075, is hereby amended to read as follows:

22 Sec. 2. NRS 232.920 is hereby amended to read as follows:
23 232.920 The director:

24 1. Shall:

25 (a) Organize the department into divisions and other operating
26 units as needed to achieve the purposes of the department;

27 (b) Upon request, provide the director of the department of
28 administration with a list of organizations and agencies in this state
29 whose primary purpose is the training and employment of
30 handicapped persons; and

31 (c) Except as otherwise provided by a specific statute, direct the
32 divisions to share information in their records with agencies of local
33 governments which are responsible for the collection of debts or
34 obligations if the confidentiality of the information is otherwise
35 maintained under the terms and conditions required by law.

36 2. Is responsible for the administration, through the divisions of
37 the department, of the provisions of **NRS 458.010 to 458.360,**
38 **inclusive,** chapters 426, 426A, ~~{458,}~~ 612 and 615 of NRS, and all
39 other provisions of law relating to the functions of the department
40 and its divisions, but is not responsible for the professional line
41 activities of the divisions or other operating units except as
42 specifically provided by law.

1 3. Is responsible for the preparation of a consolidated state plan
2 for the bureau of services to the blind, the bureau of vocational
3 rehabilitation and any other program administered by the
4 rehabilitation division which he considers appropriate to
5 incorporate into the consolidated state plan before submission to the
6 Federal Government. This subsection does not apply if any federal
7 regulation exists which prohibits a consolidated plan.

8 4. In developing and revising state plans pursuant to subsection
9 3, shall consider, among other things, the amount of money
10 available from the Federal Government for the programs of the
11 division and the conditions attached to the acceptance of that
12 money, and the limitations of legislative appropriations for the
13 programs.

14 5. May employ, within the limits of legislative appropriations,
15 such staff as is necessary to the performance of the duties of the
16 department.

17 2. Chapter 618, Statutes of Nevada 1997, at page 3078, is hereby
18 amended by adding thereto a new section to be designated as section 12.5,
19 immediately following section 12, to read as follows:

20 Sec. 12.5. Section 2 of chapter 312, Statutes of Nevada 1997,
21 at page 1170, is hereby amended to read as follows:

22 Sec. 2. NRS 232.920 is hereby amended to read as follows:

23 232.920 The director:

24 1. Shall:

25 (a) Organize the department into divisions and other operating
26 units as needed to achieve the purposes of the department;

27 (b) Upon request, provide the director of the department of
28 administration with a list of organizations and agencies in this
29 state whose primary purpose is the training and employment of
30 handicapped persons; and

31 (c) Except as otherwise provided by a specific statute, direct
32 the divisions to share information in their records with agencies
33 of local governments which are responsible for the collection of
34 debts or obligations if the confidentiality of the information is
35 otherwise maintained under the terms and conditions required by
36 law.

37 2. Is responsible for the administration, through the divisions
38 of the department, of the provisions of NRS 458.010 to 458.360,
39 inclusive, chapters 426, 426A, 612 and 615 of NRS, and all other
40 provisions of law relating to the functions of the department and
41 its divisions, but is not responsible for the professional line
42 activities of the divisions or other operating units except as
43 specifically provided by law.

1 3. Is responsible for the preparation of a consolidated state
2 plan for the bureau of services to the blind ~~and~~ *and visually*
3 *impaired*, the bureau of vocational rehabilitation and any other
4 program administered by the rehabilitation division which he
5 considers appropriate to incorporate into the consolidated state
6 plan before submission to the Federal Government. This
7 subsection does not apply if any federal regulation exists which
8 prohibits a consolidated plan.

9 4. In developing and revising state plans pursuant to
10 subsection 3, shall consider, among other things, the amount of
11 money available from the Federal Government for the programs
12 of the division and the conditions attached to the acceptance of
13 that money, and the limitations of legislative appropriations for
14 the programs.

15 5. May employ, within the limits of legislative
16 appropriations, such staff as is necessary to the performance of
17 the duties of the department.

18 **Sec. 101.** Sections 1 and 2 of chapter 621, Statutes of Nevada 1997, at
19 page 3081, are hereby amended to read respectively as follows:

20 Section 1. NRS 361.755 is hereby amended to read as follows:

21 361.755 *1.* At least once each quarter and at such intervals as
22 may be required by the board of county commissioners, the county
23 treasurer shall apportion all the money that ~~has come into his~~
24 ~~hands~~ *he has received* as ex officio tax receiver since the last
25 apportionment into several funds, as provided by law and ~~he shall~~
26 make out a statement of the apportionment under oath and transmit
27 the statement to the county auditor and to the governing body of
28 each local government entitled to receive an apportionment of the
29 taxes collected. The county auditor shall file his copy of the
30 statement in his office.

31 *2. A local government that receives an apportionment from*
32 *the county treasurer may not submit a claim for interest earned in*
33 *a prior fiscal year on the money apportioned, unless the claim is*
34 *based solely upon an error in the calculation of the money*
35 *apportioned in that prior fiscal year.*

36 Sec. 2. This act becomes effective *at 12:01 a.m.* on July 1,
37 1997.

38 **Sec. 102.** Sections 1 and 2 of chapter 623, Statutes of Nevada 1997, at
39 pages 3082 and 3083, respectively, are hereby amended to read
40 respectively as follows:

41 Section 1. NRS 417.220 is hereby amended to read as follows:

42 417.220 *1.* Money received by the executive director or the
43 deputy executive director from:

1 (a) Fees charged pursuant to NRS 417.210;
2 (b) Allowances for burial from the Department of Veterans
3 Affairs or the Social Security Administration;
4 (c) Appropriations made by the legislature for veterans'
5 cemeteries; and
6 (d) Except as otherwise provided in *subsection 5*, NRS 417.145
7 and section 1 of ~~{this act,}~~ *Senate Bill No. 327 of this session*, gifts
8 of money or proceeds derived from the sale of gifts of personal
9 property ~~{that}~~ he is authorized to accept,
10 must be deposited with the state treasurer for credit to the account
11 for a veterans' cemetery in northern Nevada or the account for a
12 veterans' cemetery in southern Nevada, whichever is appropriate, in
13 the state general fund.

14 2. The interest and income earned on the money in the
15 accounts, after deducting any applicable charges, must be credited
16 to the accounts.

17 3. Except as otherwise provided in subsection 5, the money in
18 each account ~~{must}~~ *may* only be used for the operation and
19 maintenance of the cemetery for which the account was created.

20 4. Except as otherwise provided in subsection 5, gifts of
21 personal property which the executive director or the deputy
22 executive director is authorized to receive but which are not
23 appropriate for conversion to money may be used in kind.

24 5. The executive director or the deputy executive director shall
25 use gifts of money or personal property that he is authorized to
26 accept ~~{for the purpose specified by the donor of such a gift,}~~ *and*
27 *for which the donor has restricted to one or more uses at a*
28 *veterans' cemetery, only in the manner designated by the donor.*
29 *Gifts of money that the executive director or the deputy executive*
30 *director is authorized to accept and for which the donor has*
31 *restricted to one or more uses at a veterans' cemetery must be*
32 *accounted for separately in the state general fund.*

33 6. Any money remaining in the accounts at the end of each
34 fiscal year does not revert to the state general fund, but must be
35 carried over into the next fiscal year.

36 Sec. 2. This act becomes effective *at 12:01 a.m.* on July 1,
37 1997.

38 **Sec. 103.** Chapter 628, Statutes of Nevada 1997, at page 3104, is
39 hereby amended by adding thereto a new section to be designated as
40 section 14.1, immediately following section 14, to read as follows:

41 Sec. 14.1. Sections 1 to 10, inclusive, of chapter 634, Statutes
42 of Nevada 1997, at page 3134, are hereby repealed.

1 **Sec. 104.** 1. Sections 7, 12, 24 and 27 of chapter 631,
2 Statutes of Nevada 1997, at pages 3112, 3117, 3126 and 3127,
3 respectively, are hereby amended to read respectively as follows:

4 Sec. 7. ***1. An association that is not a master association***
5 ***and levies an annual assessment against each unit in the***
6 ***common-interest community of \$500 or more shall:***

7 ***(a) If the association is required to pay the fee imposed by NRS***
8 ***78.150 or 82.193, pay to the secretary of state at the time it is***
9 ***required to pay the fee imposed by those sections a fee established***
10 ***by regulation of the administrator of the real estate division of the***
11 ***department of business and industry for every unit in the***
12 ***association.***

13 ***(b) If the association is organized as a trust or partnership, pay***
14 ***to the administrator of the real estate division of the department***
15 ***of business and industry a fee established by regulation of the***
16 ***administrator for each unit in the association. The fee must be***
17 ***paid on or before January 1 of each year.***

18 ***2. The fees required to be paid pursuant to this section must***
19 ***be:***

20 ***(a) Deposited with the state treasurer for credit to the fund for***
21 ***the ombudsman for owners in common-interest communities***
22 ***created pursuant to section 9 of this act.***

23 ***(b) Established on the basis of the actual cost of administering***
24 ***the office of the ombudsman for owners in common-interest***
25 ***communities and not on a basis which includes any subsidy for***
26 ***the office.***

27 Sec. 12. NRS 116.1204 is hereby amended to read as follows:

28 116.1204 Except as otherwise provided in NRS 116.1205, ***the***
29 ***provisions of sections 5, 5.5, 6, 10 and 11 of this act and*** NRS
30 116.1105, 116.1106, 116.1107, 116.2103, 116.2104 and 116.2121,
31 paragraphs (a) to (f), inclusive, and (k) to (r), inclusive, of
32 subsection 1 of NRS 116.3102, NRS ***116.3103, 116.31036,***
33 ***116.3106, 116.3108 to*** 116.3111, ~~116.3116~~ ***inclusive, 116.3115***
34 ***to 116.31168, inclusive, 116.3118, 116.4109 and 116.4117, and***
35 ***NRS 116.11031 to 116.110393, inclusive, to the extent necessary in***
36 ***construing any of those sections, apply to*** ~~all common-interest~~
37 ~~communities~~ ***a common-interest community*** created in this state
38 before January 1, 1992 ~~[- but those sections apply only with respect~~
39 ~~to events and circumstances occurring on or after January 1, 1992,~~
40 ~~and do not invalidate existing provisions of the declaration, bylaws,~~
41 ~~or plats or plans of those common-interest communities.], if the~~

1 *common-interest community levies an annual assessment against*
2 *each unit in the common-interest community of \$500 or more on*
3 *or after July 1, 1998.*

4 Sec. 24. NRS 78.150 is hereby amended to read as follows:

5 78.150 1. A corporation organized under the laws of this state
6 shall, on or before the first day of the second month after the filing
7 of its articles of incorporation with the secretary of state, file with
8 the secretary of state a list, on a form furnished by him, containing:

- 9 (a) The name of the corporation;
10 (b) The file number of the corporation, if known;
11 (c) The names and titles of all of its required officers and the
12 names of all of its directors;
13 (d) The mailing or street address, either residence or business, of
14 each officer and director listed, following the name of the officer or
15 director; and
16 (e) The signature of an officer of the corporation certifying that
17 the list is true, complete and accurate.

18 2. The corporation shall annually thereafter, on or before the
19 last day of the month in which the anniversary date of incorporation
20 occurs in each year, file with the secretary of state, on a form
21 furnished by him, an amended list containing all of the information
22 required in subsection 1. If the corporation has had no changes in its
23 required officers and directors since its previous list was filed, no
24 amended list need be filed if an officer of the corporation certifies
25 to the secretary of state as a true and accurate statement that no
26 changes in the required officers or directors has occurred.

27 3. Upon filing a list of officers and directors, or certifying that
28 no changes have occurred, the corporation shall pay to the secretary
29 of state a fee of \$85.

30 4. The secretary of state shall, 60 days before the last day for
31 filing the annual list required by subsection 2, cause to be mailed to
32 each corporation which is required to comply with the provisions of
33 NRS 78.150 to 78.185, inclusive, and which has not become
34 delinquent, a notice of the fee due pursuant to subsection 3 and a
35 reminder to file a list of officers and directors or a certification of
36 no change. Failure of any corporation to receive a notice or form
37 does not excuse it from the penalty imposed by law.

38 5. If the list to be filed pursuant to the provisions of subsection
39 1 or 2 is defective in any respect or the fee required by subsection 3
40 *or 7* is not paid, the secretary of state may return the list for
41 correction or payment.

1 6. An annual list for a corporation not in default which is
2 received by the secretary of state more than 60 days before its due
3 date shall be deemed an amended list for the previous year.

4 7. *If the corporation is an association as defined in NRS*
5 *116.110315, the secretary of state shall not accept the filing*
6 *required by this section unless it is accompanied by the fee*
7 *required to be paid pursuant to section 7 of this act.*

8 Sec. 27. 1. This section and sections 1 to 5, inclusive, 6, 13,
9 14, 15.5, 17, 18 and 20 of this act become effective upon passage
10 and approval.

11 2. Section 23 of this act becomes effective on October 1, 1997.

12 3. Sections 7, 9, 24, 25 and 26 of this act become effective on
13 January 1, 1998, for the purpose of adopting regulations to establish
14 and collect fees for the office of the ombudsman for owners in
15 common-interest communities, and on July 1, 1998, for all other
16 purposes.

17 4. Sections 5.5, 8, 11, 12, 15, 16, 19, 20.5, 21 , ~~and~~ 22 *and*
18 *26.1* of this act become effective on July 1, 1998.

19 5. Section 10 of this act becomes effective on July 1, 1998,
20 only if Senate Bill No. 248 of this session becomes effective on or
21 before that date.

22 2. Chapter 631, Statutes of Nevada 1997, at page 3126, is hereby
23 amended by adding thereto a new section to be designated as section 26.1,
24 immediately following section 26, to read as follows:

25 Sec. 26.1. The amendatory provisions of section 12 of this act
26 apply only with respect to events and circumstances occurring on or
27 after July 1, 1998.

28 **Sec. 105.** Section 1 of chapter 633, Statutes of Nevada 1997, at page
29 3129, is hereby amended to read as follows:

30 Section 1. NRS 202.450 is hereby amended to read as follows:
31 202.450 1. A public nuisance is a crime against the order and
32 economy of the state.

33 2. Every place:

34 (a) Wherein any gambling, bookmaking or pool selling is
35 conducted without a license as provided by law, or wherein any
36 swindling game or device, or bucket shop, or any agency therefor is
37 conducted, or any article, apparatus or device useful therefor is
38 kept;

39 (b) Wherein any fighting between animals or birds is conducted;

40 (c) Wherein any dog races are conducted ~~without a license as~~
41 ~~provided by law;~~ *as a gaming activity;*

42 (d) Wherein any intoxicating liquors are kept for unlawful use,
43 sale or distribution;

1 (e) Wherein a controlled substance, immediate precursor as
2 defined in NRS 453.086 or controlled substance analog as defined
3 in NRS 453.043 is unlawfully sold, served, stored, kept,
4 manufactured, used or given away; or

5 (f) Where vagrants resort,
6 is a public nuisance.

7 3. Every act unlawfully done and every omission to perform a
8 duty, which act or omission:

9 (a) Annoys, injures or endangers the safety, health, comfort or
10 repose of any considerable number of persons;

11 (b) Offends public decency;

12 (c) Unlawfully interferes with, befoils, obstructs or tends to
13 obstruct, or renders dangerous for passage, a lake, navigable river,
14 bay, stream, canal, ditch, millrace or basin, or a public park, square,
15 street, alley, bridge, causeway or highway; or

16 (d) In any way renders a considerable number of persons
17 insecure in life or the use of property,
18 is a public nuisance.

19 4. Agricultural activity conducted on farmland consistent with
20 good agricultural practice and established before surrounding
21 nonagricultural activities is not a public nuisance unless it has a
22 substantial adverse effect on the public health or safety. It is
23 presumed that an agricultural activity which does not violate a
24 federal, state or local law, ordinance or regulation constitutes good
25 agricultural practice.

26 5. A shooting range is not a public nuisance with respect to any
27 noise attributable to the shooting range if the shooting range is in
28 compliance with the provisions of all applicable statutes, ordinances
29 and regulations concerning noise:

30 (a) As those provisions existed on October 1, 1997, for a
31 shooting range that begins operation on or before October 1, 1997;
32 or

33 (b) As those provisions exist on the date that the shooting range
34 begins operation, for a shooting range in operation after October 1,
35 1997.

36 A shooting range is not subject to any state or local law related to
37 the control of noise that is adopted or amended after the date set
38 forth in paragraph (a) or (b), as applicable, and does not constitute a
39 nuisance for failure to comply with any such law.

40 6. As used in this section, “shooting range” has the meaning
41 ascribed to it in NRS 40.140.

1 **Sec. 106.** 1. Sections 49, 50, 55 and 64 of chapter 635,
2 Statutes of Nevada 1997, at pages 3152, 3154 and 3158, are hereby
3 amended to read respectively as follows:

4 Sec. 49. NRS 233B.065 is hereby amended to read as follows:

5 233B.065 1. The legislative counsel shall prescribe the
6 numbering, page size, style and typography of the Nevada
7 Administrative Code. For convenience of reproduction in the
8 ~~{code,}~~ *Nevada Administrative Code*, he may prescribe the same
9 matters in original agency regulations.

10 2. The legislative counsel shall prepare or cause the
11 superintendent of the state printing division of the department of
12 administration to prepare such sets of the Nevada Administrative
13 Code and of supplementary pages as are required from time to time.
14 A set must be provided to and kept respectively:

15 (a) By the secretary of state as the master copy;

16 (b) By the state ~~{librarian}~~ *library and archives administrator*
17 for public use;

18 (c) By the attorney general for his use and that of the executive
19 department; and

20 (d) By the legislative counsel for his use and that of the
21 legislature.

22 The legislative commission may direct the preparation of additional
23 sets or pages, or both, and specify the places where those sets or
24 parts of sets are to be kept and the uses to be made of them.

25 3. The legislative counsel shall, without charge, provide:

26 (a) A complete set of the Nevada Administrative Code, upon
27 request, to each person who is on July 1, 1985, or who becomes
28 after that date a member of the legislature; and

29 (b) To each legislator who has so acquired the ~~{code,}~~ *Nevada*
30 *Administrative Code*, the replacement or supplementary pages
31 which are issued during his term of office.

32 4. Each agency shall reimburse the legislative counsel bureau
33 and the state printing division of the department of administration
34 for their respective costs in preparing and keeping current that
35 agency's portion of the Nevada Administrative Code in the number
36 of copies required for official and public use. If additional sets or
37 pages are sold, the legislative commission shall set sale prices
38 sufficient to recover at least the cost of production and distribution
39 of the additional sets or pages.

40 Sec. 50. NRS 233B.070 is hereby amended to read as follows:

41 233B.070 1. A permanent regulation becomes effective when
42 the director of the legislative counsel bureau files with the secretary

1 of state the original of the final draft or revision of a regulation,
2 except as otherwise provided in NRS 233B.0665 or where a later
3 date is specified in the regulation.

4 2. A temporary or emergency regulation becomes effective
5 when the agency files with the secretary of state the original of the
6 final draft or revision of a regulation , together with the
7 informational statement prepared pursuant to NRS 233B.066. The
8 agency shall also file a copy of the temporary or emergency
9 regulation with the legislative counsel bureau, together with the
10 informational statement prepared pursuant to NRS 233B.066.

11 3. The secretary of state shall maintain the original of the final
12 draft or revision of each regulation in a permanent file to be used
13 only for the preparation of official copies.

14 4. The secretary of state shall file, with the original of each
15 agency's rules of practice, the current statement of the agency
16 concerning the date and results of its most recent review of those
17 rules.

18 5. Immediately after each permanent or temporary regulation is
19 filed, the agency shall deliver one copy of the final draft or revision,
20 bearing the stamp of the secretary of state indicating that it has been
21 filed, including material adopted by reference which is not already
22 filed with the state ~~librarian,~~ **library and archives administrator,**
23 to the state ~~librarian~~ **library and archives administrator** for use by
24 the public. If the agency is a licensing board as defined in NRS
25 439B.225 and it has adopted a permanent regulation relating to
26 standards for licensing or for the renewal of a license issued to a
27 person or facility regulated by the agency, the agency shall also
28 deliver one copy of the regulation, bearing the stamp of the
29 secretary of state, to the legislative committee on health care within
30 10 days after the regulation is filed with the secretary of state.

31 6. Each agency shall furnish a copy of all or part of that part of
32 the Nevada Administrative Code which contains its regulations, to
33 any person who requests a copy, and may charge a reasonable fee
34 for the copy based on the cost of reproduction if it does not have
35 money appropriated or authorized for that purpose.

36 7. An agency which publishes any regulations included in the
37 Nevada Administrative Code shall use the exact text of the
38 regulation as it appears in the Nevada Administrative Code,
39 including the leadlines and numbers of the sections. Any other
40 material which an agency includes in a publication with its
41 regulations must be presented in a form which clearly distinguishes
42 that material from the regulations.

1 Sec. 55. NRS 239.073 is hereby amended to read as follows:
2 239.073 1. The committee to approve schedules for the
3 retention and disposition of official state records, consisting of six
4 members, is hereby created.

5 2. The committee consists of:
6 (a) The secretary of state;
7 (b) The attorney general;
8 (c) The director of the department of administration;
9 (d) The state ~~librarian;~~ *library and archives administrator;*
10 (e) The director of the department of information technology;
11 and
12 (f) One member who is a representative of the general public
13 appointed by the governor.

14 All members of the committee, except the representative of the
15 general public, are ex officio members of the committee.

16 3. The secretary of state or a person designated by him shall
17 serve as chairman of the committee. The state ~~librarian;~~ *library*
18 *and archives administrator* shall serve as secretary of the
19 committee and prepare and maintain the records of the committee.

20 4. The committee shall meet at least quarterly and may meet
21 upon the call of the chairman.

22 5. An ex officio member of the committee may designate a
23 person to represent him at any meeting of the committee. The
24 person designated may exercise all the duties, rights and privileges
25 of the member he represents.

26 6. The committee may adopt rules and regulations for its
27 management.

28 Sec. 64. 1. This section and section 63 of this act become
29 effective upon passage and approval.

30 2. Sections 1 to ~~62,~~ *49, inclusive, 51 to 54, inclusive, 56 to*
31 *62.5, inclusive, and 65 of this act become effective on July 1, 1997.*

32 3. *Sections 50 and 55 of this act become effective at 12:01*
33 *a.m. on July 1, 1997.*

34 2. Chapter 635, Statutes of Nevada 1997, at page 3158, is hereby
35 amended by adding thereto new sections to be designated as sections 62.3
36 and 62.5, immediately following section 62, to read respectively as follows:

37 Sec. 62.3. Section 5 of chapter 97, Statutes of Nevada 1997, at
38 page 186, is hereby amended to read as follows:

39 Sec. 5. NRS 233B.065 is hereby amended to read as
40 follows:

41 233B.065 1. The legislative counsel shall prescribe the
42 numbering, page size, style and typography of the Nevada

1 Administrative Code. For convenience of reproduction in the
2 Nevada Administrative Code, he may prescribe the same matters
3 in original agency regulations.

4 2. *The legislative counsel shall cause to be included in the*
5 *Nevada Administrative Code the date on which an agency last*
6 *completed a review of its regulations pursuant to paragraph (e)*
7 *of subsection 1 of NRS 233B.050.*

8 3. The legislative counsel shall prepare or cause the
9 superintendent of the state printing division of the department of
10 administration to prepare such sets of the Nevada Administrative
11 Code and of supplementary pages as are required from time to
12 time. A set must be provided to and kept respectively:

13 (a) By the secretary of state as the master copy;

14 (b) By the state library and archives administrator for public
15 use;

16 (c) By the attorney general for his use and that of the
17 executive department; and

18 (d) By the legislative counsel for his use and that of the
19 legislature.

20 The legislative commission may direct the preparation of
21 additional sets or pages, or both, and specify the places where
22 those sets or parts of sets are to be kept and the uses to be made
23 of them.

24 ~~{3.}~~ 4. The legislative counsel shall, without charge,
25 provide:

26 (a) A complete set of the Nevada Administrative Code, upon
27 request, to each person who is on July 1, 1985, or who becomes
28 after that date a member of the legislature; and

29 (b) To each legislator who has so acquired the Nevada
30 Administrative Code, the replacement or supplementary pages
31 which are issued during his term of office.

32 ~~{4.}~~ 5. Each agency shall reimburse the legislative counsel
33 bureau and the state printing division of the department of
34 administration for their respective costs in preparing and keeping
35 current that agency's portion of the Nevada Administrative Code
36 in the number of copies required for official and public use. If
37 additional sets or pages are sold, the legislative commission shall
38 set sale prices sufficient to recover at least the cost of production
39 and distribution of the additional sets or pages.

1 Sec. 62.5. Section 13 of chapter 397, Statutes of Nevada 1997,
2 at page 1391, is hereby amended to read as follows:

3 Sec. 13. NRS 233B.065 is hereby amended to read as
4 follows:

5 233B.065 1. The legislative counsel shall prescribe the
6 numbering, page size, style and typography of the Nevada
7 Administrative Code. For convenience of reproduction in the
8 Nevada Administrative Code, he may prescribe the same matters
9 in original agency regulations.

10 2. The legislative counsel shall cause to be included in the
11 Nevada Administrative Code the ~~{date}~~ :

12 (a) *Date* on which an agency last completed a review of its
13 regulations pursuant to paragraph (e) of subsection 1 of NRS
14 233B.050 ~~{H}~~ ; and

15 (b) *Citation of authority pursuant to which the agency*
16 *adopted each section of a permanent regulation.*

17 3. The legislative counsel shall prepare or cause the
18 superintendent of the state printing division of the department of
19 administration to prepare such sets of the Nevada Administrative
20 Code and of supplementary pages as are required from time to
21 time. A set must be provided to and kept respectively:

22 (a) By the secretary of state as the master copy;

23 (b) By the state library and archives administrator for public
24 use;

25 (c) By the attorney general for his use and that of the
26 executive department; and

27 (d) By the legislative counsel for his use and that of the
28 legislature.

29 The legislative commission may direct the preparation of
30 additional sets or pages, or both, and specify the places where
31 those sets or parts of sets are to be kept and the uses to be made
32 of them.

33 4. The legislative counsel shall, without charge, provide:

34 (a) A complete set of the Nevada Administrative Code, upon
35 request, to each person who is on July 1, 1985, or who becomes
36 after that date a member of the legislature; and

37 (b) To each legislator who has so acquired the Nevada
38 Administrative Code, the replacement or supplementary pages
39 which are issued during his term of office.

40 5. Each agency shall reimburse the legislative counsel bureau
41 and the state printing division of the department of administration
42 for their respective costs in preparing and keeping current that
43 agency's portion of the Nevada Administrative Code in the

number of copies required for official and public use. If additional sets or pages are sold, the legislative commission shall set sale prices sufficient to recover at least the cost of production and distribution of the additional sets or pages.

Sec. 107. 1. Section 1 of chapter 636, Statutes of Nevada 1997, at page 3159, is hereby amended to read as follows:

Section 1. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in *subsection 5 and* NRS 453.3365, ~~{and subsection 4,}~~ a person who has been convicted of:

(a) Any felony may, after 15 years from the date of his conviction or, if he is imprisoned, from the date of his release from actual custody;

(b) Any gross misdemeanor may, after 10 years from the date of his conviction or release from custody;

(c) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony may, after 7 years from the date of his conviction or release from custody; or

(d) Any other misdemeanor may, after 5 years from the date of his conviction or release from custody, petition the court in which the conviction was obtained for the sealing of all records relating to the conviction. ~~{The petition}~~

2. *A petition filed pursuant to subsection 1* must be accompanied by ~~{a current, certified record}~~ *current, verified records* of the petitioner's criminal history received from ~~{the}~~ :

(a) *The* central repository for Nevada records of criminal history ~~+~~

~~—2.—The}~~ ; and

(b) *The local law enforcement agency of the city or county in which the conviction was entered.*

3. *Upon receiving a petition pursuant to this section, the* court shall notify ~~{the district attorney of the county in which the conviction was obtained, and the district}~~ :

(a) *The prosecuting attorney for the county; or*

(b) *If the person was convicted in a municipal court, the prosecuting attorney for the city.*

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

~~{3.}~~ 4. If , after the hearing , the court finds that, in the period prescribed in subsection 1, the petitioner has not been arrested, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the

1 custody of the court, of another court in the State of Nevada or of a
2 public or private agency, company or official in the State of
3 Nevada, and may also order all such criminal identification records
4 of the petitioner returned to the file of the court where the
5 proceeding was commenced from, *including*, but not limited to, the
6 Federal Bureau of Investigation, the California identification and
7 investigation bureau, sheriffs' offices and all other law enforcement
8 agencies reasonably known by either the petitioner or the court to
9 have possession of such records.

10 ~~[4.]~~ 5. A person may not petition the court to seal records
11 relating to a conviction of a crime against a child or a sexual
12 offense.

13 ~~[5.]~~ 6. As used in this section:

14 (a) "Crime against a child" has the meaning ascribed to it in
15 section 34 of Senate Bill No. 325 of this session.

16 (b) "Sexual offense" has the meaning ascribed to it in section 48
17 of Senate Bill No. 325 of this session.

18 2. Chapter 636, Statutes of Nevada 1997, at page 3161, is hereby
19 amended by adding thereto a new section to be designated as section 3.5,
20 immediately following section 3, to read as follows:

21 Sec. 3.5. Section 4 of chapter 476, Statutes of Nevada 1997, at
22 page 1803, is hereby amended to read as follows:

23 Sec. 4. NRS 179.245 is hereby amended to read as follows:

24 179.245 1. Except as otherwise provided in NRS 453.3365
25 and subsection 4, a person who has been convicted of:

26 (a) Any felony may, after 15 years from the date of his
27 conviction or, if he is imprisoned, from the date of his release
28 from actual custody;

29 (b) Any gross misdemeanor may, after 10 years from the date
30 of his conviction or release from custody;

31 (c) A violation of NRS 484.379 other than a felony, *or a*
32 *battery which constitutes domestic violence pursuant to NRS*
33 *33.018 other than a felony* may, after 7 years from the date of
34 his conviction or release from custody; or

35 (d) Any other misdemeanor may, after 5 years from the date
36 of his conviction or release from custody,
37 petition the court in which the conviction was obtained for the
38 sealing of all records relating to the conviction. The petition must
39 be accompanied by a current, certified record of the petitioner's
40 criminal history received from the central repository for Nevada
41 records of criminal history.

42 2. The court shall notify the district attorney of the county in
43 which the conviction was obtained, and the district attorney and

1 any person having relevant evidence may testify and present
2 evidence at the hearing on the petition.

3 3. If after the hearing the court finds that, in the period
4 prescribed in subsection 1, the petitioner has not been arrested,
5 except for minor moving or standing traffic violations, the court
6 may order sealed all records of the conviction which are in the
7 custody of the court, of another court in the State of Nevada or of
8 a public or private agency, company or official in the State of
9 Nevada, and may also order all such criminal identification
10 records of the petitioner returned to the file of the court where the
11 proceeding was commenced from, but not limited to, the Federal
12 Bureau of Investigation, the California identification and
13 investigation bureau, sheriffs' offices and all other law
14 enforcement agencies reasonably known by either the petitioner
15 or the court to have possession of such records.

16 4. A person may not petition the court to seal records relating
17 to a conviction of a crime against a child or a sexual offense.

18 5. As used in this section:

19 (a) "Crime against a child" has the meaning ascribed to it in
20 section 34 of ~~this act.~~ *Senate Bill No. 325 of this session.*

21 (b) "Sexual offense" has the meaning ascribed to it in section
22 48 of ~~this act.~~ *Senate Bill No. 325 of this session.*

23 3. Chapter 636, Statutes of Nevada 1997, at page 3161, is hereby
24 amended by adding thereto a new section to be designated as section 5,
25 immediately following section 4, to read as follows:

26 Sec. 5. 1. This section and section 3.5 of this act become
27 effective on September 30, 1997.

28 2. Section 1 of this act becomes effective at 12:01 a.m. on
29 October 1, 1997.

30 **Sec. 108.** Section 9 of chapter 640, Statutes of Nevada 1997, at page
31 3173, is hereby amended to read as follows:

32 Sec. 9. NRS 439.360 is hereby amended to read as follows:
33 439.360 The county board of health may:

34 1. Abate nuisances in accordance with law.

35 2. Establish and maintain an isolation hospital or quarantine
36 station when necessary.

37 3. Restrain, quarantine and disinfect any person sick with or
38 exposed to any contagious or infectious disease that is dangerous to
39 the public health.

40 4. Appoint quarantine officers when necessary to enforce *a*
41 quarantine, ~~and~~ shall provide whatever medicines, disinfectants
42 and provisions which may be required, and shall arrange for the
43 payment of all debts or charges so incurred from any funds

1 available, but each patient shall, if he is able, pay for his food,
2 medicine, clothes and medical attendance.

3 5. Subject to the prior review and approval of the board of
4 county commissioners ~~{}~~ *and except as otherwise provided in*
5 *section 1 of this act*, adopt a schedule of reasonable fees to be
6 collected for issuing or renewing any health permit or license
7 required to be obtained from the board pursuant to a law of this
8 state or an ordinance adopted by any political subdivision of this
9 state. Such fees must be for the sole purpose of defraying the costs
10 and expenses of the ~~{licensing and permit}~~ procedures *for issuing*
11 *licenses and permits*, and investigations related thereto , and not for
12 *the purposes of* general revenue . ~~{purposes.}~~

13 **Sec. 109.** 1. Sections 5 and 14 of chapter 641, Statutes of Nevada
14 1997, at pages 3175 and 3184, respectively, are hereby amended to read
15 respectively as follows:

16 Sec. 5. *Except as otherwise provided in section 6 of this act,*
17 *the director may make the following deductions, in the following*
18 *order of priority, from any money deposited in the individual*
19 *account of an offender from any source other than his wages:*

20 1. *An amount the director deems reasonable for deposit with*
21 *the state treasurer for credit to the fund for the compensation of*
22 *victims of crime created pursuant to NRS 217.260.*

23 2. *An amount the director considers reasonable to meet an*
24 *existing obligation of the offender for the support of his family.*

25 3. *An amount determined by the director, with the approval of*
26 *the board, to offset the cost of maintaining the offender in the*
27 *institution, as reflected in the budget of the department.*

28 4. *A deduction pursuant to NRS 209.246.*

29 5. *An amount determined by the director for deposit in a*
30 *savings account for the offender, in which interest on the money*
31 *deposited does not accrue, to be used for the payment of the*
32 *expenses of the offender related to his release or, if the offender*
33 *dies before his release, to defray expenses related to arrangements*
34 *for his funeral.*

35 6. *An amount the director considers reasonable to meet an*
36 *existing obligation of the offender for restitution to a victim of his*
37 *crime.*

38 7. *An amount the director considers reasonable to pay the*
39 *balance of an administrative assessment included in the judgment*
40 *entered against the offender for each crime for which he is*
41 *incarcerated and the balance of an unpaid administrative*
42 *assessment included in a judgment entered against the offender*
43 *for a crime committed in this state for which he was previously*

1 convicted. An amount deducted from a source other than the
2 wages earned by the offender during his incarceration, pursuant
3 to this subsection, must be submitted:

4 (a) If the offender does not have an administrative assessment
5 owing from a judgment entered for a crime previously committed
6 in this state, to the court that entered the judgment against the
7 offender for which he is incarcerated.

8 (b) If the offender has an administrative assessment owing
9 from a judgment entered for a crime previously committed in this
10 state, to the court that first entered a judgment for which an
11 administrative assessment is owing, until the balance owing has
12 been paid.

13 8. An amount the director considers reasonable to pay the
14 balance of a fine included in the judgment entered against the
15 offender for each crime for which he is incarcerated and the
16 balance of an unpaid fine included in a judgment entered against
17 the offender for a crime committed in this state for which he was
18 previously convicted. An amount deducted from any source other
19 than the wages earned by the offender during his incarceration,
20 pursuant to this subsection, must be submitted:

21 (a) If the offender does not have a fine owing from a judgment
22 entered for a crime previously committed in this state, to the court
23 that entered the judgment against the offender for which he is
24 incarcerated.

25 (b) If the offender has a fine owing from a judgment entered
26 for a crime previously committed in this state, to the court that
27 first entered a judgment for which any fine or administrative
28 assessment is owing, until the balance owing has been paid.

29 9. An amount the director considers reasonable to pay the
30 balance of any fee imposed upon the offender for genetic marker
31 testing and included in the judgment entered against the offender
32 pursuant to section 83.7 of Senate Bill No. 325 of this
33 session.

34 The director shall determine the priority of any other deduction
35 authorized by law from any source other than the wages earned
36 by the offender during his incarceration.

37 Sec. 14. NRS 209.463 is hereby amended to read as follows:

38 209.463 ~~1.~~ Except as otherwise provided in ~~subsection 3,~~
39 *section 6 of this act*, the director may make the following
40 deductions, in the following order of priority, from the wages
41 earned by an offender from any source during his incarceration:

42 ~~(a)~~ 1. If the ~~offender's~~ hourly wage *of the offender* is equal
43 to or greater than the federal minimum wage:

1 ~~[(1)]~~ (a) An amount the director deems reasonable for deposit
2 with the state treasurer for credit to the fund for the compensation
3 of victims of crime.

4 (b) *An amount the director considers reasonable to meet an*
5 *existing obligation of the offender for the support of his family.*

6 ~~[(2)]~~ (c) An amount determined by the director, with the
7 approval of the board, for deposit in the state treasury for credit to
8 the fund for new construction of facilities for prison industries, but
9 only if the offender is employed through a program for prison
10 industries.

11 ~~[(3)]~~ (d) An amount determined by the director for deposit in
12 the ~~[offender's]~~ individual account *of the offender* in the prisoners'
13 personal property fund.

14 ~~[(4)]~~ (e) An amount determined by the director, with the
15 approval of the board, to offset the cost of maintaining the offender
16 in the institution, as reflected in the budget of the department.

17 ~~[(5)] An amount the director considers reasonable to meet any~~
18 ~~existing obligation of the offender for the support of his family.~~

19 ~~—(6) Any]~~

20 (f) A deduction pursuant to NRS 209.246.

21 ~~[(7)]~~ (g) An amount determined by the director for deposit in
22 a savings account for the offender, in which interest on the money
23 deposited does not accrue, to be used for the payment of the
24 expenses of the offender related to his release, or if the offender
25 dies before his release, to defray ~~[any]~~ expenses related to ~~[any]~~
26 arrangements for his funeral.

27 ~~[(8)]~~ (h) An amount the director considers reasonable to meet
28 ~~[any]~~ *an* existing obligation of the offender for restitution to any
29 victim of his crime.

30 ~~[(9)]~~ (i) An amount the director considers reasonable to pay
31 the balance of any fee imposed upon the offender for genetic
32 marker testing and included in the judgment entered against the
33 offender pursuant to section 83.7 of ~~[this act.~~

34 ~~—(10)] Senate Bill No. 325 of this session.~~

35 (j) An amount the director considers reasonable to pay the
36 balance of ~~[the administrative assessments]~~ *an administrative*
37 *assessment* included in the judgment entered against the offender
38 for each crime for which he is incarcerated and the balance of ~~[any]~~
39 *an* unpaid administrative ~~[assessments]~~ *assessment* included in a
40 judgment entered against the offender for ~~[any]~~ *a* crime committed
41 in this state for which he was previously convicted. ~~[Any]~~ *An*
42 amount deducted from the ~~[offender's]~~ wages *of the offender*
43 pursuant to this ~~[subparagraph]~~ *paragraph* must be submitted:

~~{(I)}~~ (1) If the offender does not have ~~{any administrative assessments}~~ **an administrative assessment** owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he is incarcerated.

~~{(II)}~~ (2) If the offender has ~~{any administrative assessments}~~ **an administrative assessment** owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which ~~{any}~~ **an** administrative assessment is owing, until the balance owing has been paid.

~~{(11)}~~ (k) An amount the director considers reasonable to pay the balance of ~~{the fines}~~ **a fine** included in the judgment entered against the offender for each crime for which he is incarcerated and the balance of ~~{any unpaid fines}~~ **an unpaid fine** included in a judgment entered against the offender for ~~{any}~~ **a** crime committed in this state for which he was previously convicted. ~~{Any}~~ **An** amount deducted from the ~~{offender's}~~ wages **of the offender** pursuant to this ~~{subparagraph}~~ **paragraph** must be submitted:

~~{(I)}~~ (1) If the offender does not have ~~{any fines}~~ **a fine** owing from a judgment entered for a crime previously committed in this state, to the court that entered the judgment against the offender for which he is incarcerated.

~~{(II)}~~ (2) If the offender has ~~{any fines}~~ **a fine** owing from a judgment entered for a crime previously committed in this state, to the court that first entered a judgment for which ~~{any}~~ **a** fine or administrative assessment is owing, until the balance owing has been paid.

The director shall determine the priority of any other deduction authorized by law from the wages earned by the offender from any source during his incarceration.

~~{(b)}~~ 2. If the ~~{offender's}~~ hourly wage **of the offender** is less than the federal minimum wage:

~~{(1)}~~ (a) An amount the director deems reasonable for deposit with the state treasurer for credit to the fund for the compensation of victims of crime.

~~{(2)}~~ (b) An amount determined by the director, with the approval of the board, for deposit in the state treasury for credit to the fund for new construction of facilities for prison industries, but only if the offender is employed through a program for prison industries.

~~{(3)}~~ (c) An amount determined by the director for deposit in the ~~{offender's}~~ individual account **of the offender** in the prisoners' personal property fund.

1 ~~[(4)]~~ (d) An amount determined by the director, with the
2 approval of the board, to offset the cost of maintaining the offender
3 in the institution, as reflected in the budget of the department.

4 ~~[(5) Any]~~

5 (e) A deduction pursuant to NRS 209.246.

6 ~~[(6)]~~ (f) An amount the director considers reasonable to pay
7 the balance of any fee imposed upon the offender for genetic
8 marker testing and included in the judgment entered against the
9 offender pursuant to section 83.7 of ~~this act.~~

10 ~~—(7) Senate Bill No. 325 of this session.~~

11 (g) An amount determined by the director for deposit in a
12 savings account for the offender, in which interest on the money
13 deposited does not accrue, to be used for the payment of the
14 expenses of the offender related to his release, or if the offender
15 dies before his release, to defray ~~[any]~~ expenses related to ~~[any]~~
16 arrangements for his funeral.
17 The director shall determine the priority of any other deduction
18 authorized by law from the wages earned by the offender from any
19 source during his incarceration.

20 ~~[2.—Except as otherwise provided in subsection 3, the director~~
21 ~~may make the following deductions, in the following priority, from~~
22 ~~any money deposited in an offender's account from any source~~
23 ~~other than his wages:~~

24 ~~—(a) Any deduction pursuant to NRS 209.246.~~

25 ~~—(b) An amount determined by the director for deposit in a~~
26 ~~savings account for the offender, in which interest on the money~~
27 ~~deposited does not accrue, to be used for the payment of the~~
28 ~~expenses of the offender related to his release or, if the offender~~
29 ~~dies before his release, to defray any expenses related to any~~
30 ~~arrangements for his funeral.~~

31 ~~—(c) An amount the director considers reasonable to pay the~~
32 ~~balance of any fee imposed upon the offender for genetic marker~~
33 ~~testing and included in the judgment entered against the offender~~
34 ~~pursuant to section 83.7 of this act.~~

35 ~~The director shall determine the priority of any other deduction~~
36 ~~authorized by law from any source other than the wages earned by~~
37 ~~the offender during his incarceration.~~

38 ~~—3.—The director shall not make any deduction from the~~
39 ~~offender's individual account in the prisoners' personal property~~
40 ~~fund if the balance in the account is below the minimum balance~~
41 ~~designated by the director pursuant to this subsection. The director~~

1 ~~shall designate the minimum balance of an offender's account~~
2 ~~required before such other deductions or withdrawals from the~~
3 ~~account may be made by the director or the offender.~~

4 ~~—4.— Upon the release of an offender, any money from any source~~
5 ~~remaining in an account of the offender may be used to reimburse~~
6 ~~the department for any expenses related to his release, including,~~
7 ~~but not limited to, any expenses incurred by the department~~
8 ~~pursuant to NRS 209.511 or for transportation of the offender.~~

9 ~~—5.— The director may reduce or eliminate any deduction~~
10 ~~authorized pursuant to subsection 1 from the wages of any offender~~
11 ~~to the extent necessary to comply with any restrictions imposed by~~
12 ~~federal law on deductions from wages of that offender.]~~

13 2. Chapter 641, Statutes of Nevada 1997, at page 3191, is hereby
14 amended by adding thereto a new section to be designated as section 21.5,
15 immediately following section 21, to read as follows:

16 Sec. 21.5. Sections 14 and 17 of chapter 552, Statutes of
17 Nevada 1997, at pages 2655 and 2657, respectively, are hereby
18 amended to read respectively as follows:

19 Sec. 14. NRS 209.463 is hereby amended to read as follows:

20 209.463 Except as otherwise provided in section 6 of ~~this~~
21 ~~act,~~ *Senate Bill No. 328 of this session*, the director may make
22 the following deductions, in the following order of priority, from
23 the wages earned by an offender from any source during his
24 incarceration:

25 1. If the hourly wage of the offender is equal to or greater
26 than the federal minimum wage:

27 (a) An amount the director deems reasonable for deposit with
28 the state treasurer for credit to the fund for the compensation of
29 victims of crime.

30 (b) An amount the director considers reasonable to meet an
31 existing obligation of the offender for the support of his family.

32 (c) An amount determined by the director, with the approval
33 of the board, for deposit in the state treasury for credit to the fund
34 for new construction of facilities for prison industries, but only if
35 the offender is employed through a program for prison industries.

36 (d) An amount determined by the director for deposit in the
37 individual account of the offender in the prisoners' personal
38 property fund.

39 (e) An amount determined by the director, with the approval
40 of the board, to offset the cost of maintaining the offender in the
41 institution, as reflected in the budget of the department. *An*
42 *amount deducted pursuant to this paragraph may include, but*

1 *is not limited to, an amount to offset the cost of participation by*
2 *the offender pursuant to sections 2 to 13, inclusive, of this act*
3 *in a therapeutic community or a program of aftercare, or both.*

4 (f) A deduction pursuant to NRS 209.246.

5 (g) An amount determined by the director for deposit in a
6 savings account for the offender, in which interest on the money
7 deposited does not accrue, to be used for the payment of the
8 expenses of the offender related to his release, or if the offender
9 dies before his release, to defray expenses related to
10 arrangements for his funeral.

11 (h) An amount the director considers reasonable to meet an
12 existing obligation of the offender for restitution to any victim of
13 his crime.

14 (i) An amount the director considers reasonable to pay the
15 balance of any fee imposed upon the offender for genetic marker
16 testing and included in the judgment entered against the offender
17 pursuant to section 83.7 of Senate Bill No. 325 of this session.

18 (j) An amount the director considers reasonable to pay the
19 balance of an administrative assessment included in the judgment
20 entered against the offender for each crime for which he is
21 incarcerated and the balance of an unpaid administrative
22 assessment included in a judgment entered against the offender
23 for a crime committed in this state for which he was previously
24 convicted. An amount deducted from the wages of the offender
25 pursuant to this paragraph must be submitted:

26 (1) If the offender does not have an administrative
27 assessment owing from a judgment entered for a crime previously
28 committed in this state, to the court that entered the judgment
29 against the offender for which he is incarcerated.

30 (2) If the offender has an administrative assessment owing
31 from a judgment entered for a crime previously committed in this
32 state, to the court that first entered a judgment for which an
33 administrative assessment is owing, until the balance owing has
34 been paid.

35 (k) An amount the director considers reasonable to pay the
36 balance of a fine included in the judgment entered against the
37 offender for each crime for which he is incarcerated and the
38 balance of an unpaid fine included in a judgment entered against
39 the offender for a crime committed in this state for which he was
40 previously convicted. An amount deducted from the wages of the
41 offender pursuant to this paragraph must be submitted:

42 (1) If the offender does not have a fine owing from a
43 judgment entered for a crime previously committed in this state,

1 to the court that entered the judgment against the offender for
2 which he is incarcerated.

3 (2) If the offender has a fine owing from a judgment
4 entered for a crime previously committed in this state, to the
5 court that first entered a judgment for which a fine or
6 administrative assessment is owing, until the balance owing has
7 been paid.

8 The director shall determine the priority of any other deduction
9 authorized by law from the wages earned by the offender from
10 any source during his incarceration.

11 2. If the hourly wage of the offender is less than the federal
12 minimum wage:

13 (a) An amount the director deems reasonable for deposit with
14 the state treasurer for credit to the fund for the compensation of
15 victims of crime.

16 (b) An amount determined by the director, with the approval
17 of the board, for deposit in the state treasury for credit to the fund
18 for new construction of facilities for prison industries, but only if
19 the offender is employed through a program for prison industries.

20 (c) An amount determined by the director for deposit in the
21 individual account of the offender in the prisoners' personal
22 property fund.

23 (d) An amount determined by the director, with the approval
24 of the board, to offset the cost of maintaining the offender in the
25 institution, as reflected in the budget of the department. *An*
26 *amount deducted pursuant to this paragraph may include, but*
27 *is not limited to, an amount to offset the cost of participation by*
28 *the offender pursuant to sections 2 to 13, inclusive, of this act*
29 *in a therapeutic community or a program of aftercare, or both.*

30 (e) A deduction pursuant to NRS 209.246.

31 (f) An amount the director considers reasonable to pay the
32 balance of any fee imposed upon the offender for genetic marker
33 testing and included in the judgment entered against the offender
34 pursuant to section 83.7 of Senate Bill No. 325 of this session.

35 (g) An amount determined by the director for deposit in a
36 savings account for the offender, in which interest on the money
37 deposited does not accrue, to be used for the payment of the
38 expenses of the offender related to his release, or if the offender
39 dies before his release, to defray expenses related to
40 arrangements for his funeral.

41 The director shall determine the priority of any other deduction
42 authorized by law from the wages earned by the offender from
43 any source during his incarceration.

1 Sec. 17. Section 5 of Senate Bill No. 328 of this session is
2 hereby amended to read as follows:

3 Sec. 5. Except as otherwise provided in section 6 of this
4 act, the director may make the following deductions, in the
5 following order of priority, from any money deposited in the
6 individual account of an offender from any source other than
7 his wages:

8 1. An amount the director deems reasonable for deposit
9 with the state treasurer for credit to the fund for the
10 compensation of victims of crime created pursuant to NRS
11 217.260.

12 2. An amount the director considers reasonable to meet an
13 existing obligation of the offender for the support of his
14 family.

15 3. An amount determined by the director, with the
16 approval of the board, to offset the cost of maintaining the
17 offender in the institution, as reflected in the budget of the
18 department. *An amount deducted pursuant to this subsection*
19 *may include, but is not limited to, an amount to offset the*
20 *cost of participation by the offender pursuant to sections 2 to*
21 *13, inclusive, of Senate Bill No. 432 of this session in a*
22 *therapeutic community or a program of aftercare, or both.*

23 4. A deduction pursuant to NRS 209.246.

24 5. An amount determined by the director for deposit in a
25 savings account for the offender, in which interest on the
26 money deposited does not accrue, to be used for the payment
27 of the expenses of the offender related to his release or, if the
28 offender dies before his release, to defray expenses related to
29 arrangements for his funeral.

30 6. An amount the director considers reasonable to meet an
31 existing obligation of the offender for restitution to a victim of
32 his crime.

33 7. An amount the director considers reasonable to pay the
34 balance of an administrative assessment included in the
35 judgment entered against the offender for each crime for which
36 he is incarcerated and the balance of an unpaid administrative
37 assessment included in a judgment entered against the offender
38 for a crime committed in this state for which he was previously
39 convicted. An amount deducted from a source other than the
40 wages earned by the offender during his incarceration,
41 pursuant to this subsection, must be submitted:

42 (a) If the offender does not have an administrative
43 assessment owing from a judgment entered for a crime

1 previously committed in this state, to the court that entered the
2 judgment against the offender for which he is incarcerated.

3 (b) If the offender has an administrative assessment owing
4 from a judgment entered for a crime previously committed in
5 this state, to the court that first entered a judgment for which
6 an administrative assessment is owing, until the balance owing
7 has been paid.

8 8. An amount the director considers reasonable to pay the
9 balance of a fine included in the judgment entered against the
10 offender for each crime for which he is incarcerated and the
11 balance of an unpaid fine included in a judgment entered
12 against the offender for a crime committed in this state for
13 which he was previously convicted. An amount deducted from
14 any source other than the wages earned by the offender during
15 his incarceration, pursuant to this subsection, must be
16 submitted:

17 (a) If the offender does not have a fine owing from a
18 judgment entered for a crime previously committed in this
19 state, to the court that entered the judgment against the
20 offender for which he is incarcerated.

21 (b) If the offender has a fine owing from a judgment
22 entered for a crime previously committed in this state, to the
23 court that first entered a judgment for which any fine or
24 administrative assessment is owing, until the balance owing
25 has been paid.

26 9. An amount the director considers reasonable to pay the
27 balance of any fee imposed upon the offender for genetic
28 marker testing and included in the judgment entered against
29 the offender pursuant to section 83.7 of Senate Bill No. 325 of
30 this session.

31 The director shall determine the priority of any other deduction
32 authorized by law from any source other than the wages earned
33 by the offender during his incarceration.

34 **Sec. 110.** 1. Sections 18 and 21 of chapter 645, Statutes of Nevada
35 1997, at page 3225, are hereby amended to read respectively as follows:

36 Sec. 18. 1. NRS 616B.200 is hereby repealed.

37 2. Section 20 of Senate Bill No. 133 of this session is hereby
38 repealed.

39 3. ~~[Sections 55 and 104]~~ **Section 55** of chapter 580, Statutes of
40 Nevada 1995, at ~~[pages 2012 and 2032, respectively,]~~ **page 2012,**
41 **and section 6 of chapter 406, Statutes of Nevada 1997, at page**
42 **1416,** are hereby repealed.

1 Sec. 21. 1. This section and sections *17.1 and 17.2 of this*
2 *act become effective on June 30, 1997.*

3 2. Sections 1, 3 to 12, inclusive, 14, 15, 17, 19 and 20 of this
4 act, and subsections 2 and 3 of section 18 of this act, become
5 effective on July 1, 1997.

6 ~~2.3~~ 3. Section 13 of this act becomes effective on January 1,
7 1998.

8 ~~3.3~~ 4. Sections 2 and 16 of this act, and subsection 1 of
9 section 18 of this act, become effective on July 1, 1999.

10 2. Chapter 645, Statutes of Nevada 1997, at page 3225, is hereby
11 amended by adding thereto new sections to be designated as sections 17.1
12 and 17.2, immediately following section 17, to read respectively as follows:

13 Sec. 17.1. Section 7 of chapter 406, Statutes of Nevada 1997,
14 at page 1416, is hereby amended to read as follows:

15 Sec. 7. 1. This section and sections 1, 2 and 3 of this act
16 become effective on July 1, 1997.

17 2. Sections 4 and 5 of this act become effective at 12:01 a.m.
18 on July 1, 1997.

19 ~~{3. — Section 6 of this act becomes effective at 12:01 a.m. on~~
20 ~~July 1, 1999.}~~

21 Sec. 17.2. Sections 50 and 81 of chapter 410, Statutes of
22 Nevada 1997, at pages 1442 and 1457, respectively, are hereby
23 amended to read respectively as follows:

24 Sec. 50. NRS 616D.200 is hereby amended to read as
25 follows:

26 616D.200 1. If the administrator finds that an employer
27 within the provisions of NRS 616B.633 has failed to provide and
28 secure compensation as required by the terms of chapters 616A
29 to 616D, inclusive, of NRS or that the employer has provided and
30 secured that compensation but has failed to maintain it, he shall
31 make a determination thereon and may charge the employer an
32 amount equal to the sum of:

33 (a) The premiums that would otherwise have been owed to the
34 system pursuant to the terms of chapters 616A to 616D,
35 inclusive, of NRS for the period that the employer was doing
36 business in this state without providing, securing or maintaining
37 that compensation, but not to exceed 6 years;

38 (b) The actual costs incurred by the system in reinstating the
39 policy, but not to exceed 10 percent of the premiums owed by the
40 employer; and

41 (c) Interest at a rate determined pursuant to NRS 17.130
42 computed from the time that the premiums should have been
43 paid.

2. The administrator shall ~~mail~~ deliver a copy of his determination to the employer. An employer who is aggrieved by the determination of the administrator may appeal from the determination pursuant to subsection 2 of NRS 616D.220.

3. Any employer within the provisions of NRS 616B.633 who fails to provide, secure or maintain compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS, is:

(a) For the first offense, guilty of a misdemeanor.

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a category ~~D~~ C felony and shall be punished as provided in NRS 193.130.

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.

Sec. 81. 1. This section and sections 4 to 10, inclusive, 13, 15, 15.5, 16, 17, 20, 27, 28, 36, 40.5, 42, 61, 76, 78, 79 and 80 of this act become effective on July 1, 1997.

2. Section 14 of this act becomes effective at 12:01 a.m. on July 1, 1997.

3. Sections 1, 11, 26, 35, 37, 38, 39, 43, 45, 46, 49, ~~50~~ 51, 52, 53, 54, 58 and 59 of this act become effective on January 1, 1998.

4. *Section 50 of this act becomes effective at 12:01 a.m. on January 1, 1998.*

5. Sections 18, 23, 40, 48, 56, 57, 60, 77 and 77.5 of this act become effective on July 1, 1999.

~~5~~ 6. Sections 3, 12, 21, 22, 41, 62, 62.5, 63, 65, 67, 70, 72 and 74 of this act become effective at 12:01 a.m. on July 1, 1999.

~~6~~ 7. Sections 64, 66, 68, 71, 73 and 75 of this act become effective on July 1, 2003.

Sec. 111. 1. Section 8 of chapter 654, Statutes of Nevada 1997, at page 3242, is hereby amended to read as follows:

Sec. 8. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in section 1 of ~~this act~~ *Assembly Bill No. 298 of this session* and NRS 209.429, the director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

1 (c) Demonstrated an ability to pay for all or part of the costs of
2 his confinement and to meet any existing obligation for restitution
3 to any victim of his crime,
4 assign the offender to the custody of the division of parole and
5 probation of the department of motor vehicles and public safety to
6 serve a term of residential confinement, pursuant to NRS 213.380,
7 for not longer than the remainder of his sentence.

8 2. Upon receiving a request to serve a term of residential
9 confinement from an eligible offender, the director shall notify the
10 division of parole and probation. If any victim of a crime committed
11 by the offender has, pursuant to subsection 3 of NRS 213.130,
12 requested to be notified of an application for parole and has
13 provided a current address, the division of parole and probation
14 shall notify the victim of the offender's request and advise the
15 victim that he may submit documents regarding the request to the
16 division of parole and probation. If a current address has not been
17 provided as required by subsection 3 of NRS 213.130, the division
18 of parole and probation must not be held responsible if such
19 notification is not received by the victim. *All personal information,*
20 *including, but not limited to, a current or former address, which*
21 *pertains to a victim and which is received by the division of parole*
22 *and probation pursuant to this subsection is confidential.*

23 3. The director, after consulting with the division of parole and
24 probation, shall adopt, by regulation, standards providing which
25 offenders are eligible for residential confinement. The standards
26 adopted by the director must provide that an offender who:

27 (a) Is not eligible for parole or release from prison within a
28 reasonable period;

29 (b) Has recently committed a serious infraction of the rules of an
30 institution or facility of the department;

31 (c) Has not performed the duties assigned to him in a faithful and
32 orderly manner;

33 (d) Has ever been convicted of:

34 (1) Any crime involving the use or threatened use of force or
35 violence against the victim; or

36 (2) A sexual offense;

37 (e) Has more than one prior conviction for any felony in this
38 state or any offense in another state that would be a felony if
39 committed in this state, not including a violation of NRS 484.3792
40 or 484.3795;

1 (f) Has escaped or attempted to escape from any jail or
2 correctional institution for adults; or

3 (g) Has not made an effort in good faith to participate in or to
4 complete any educational or vocational program or any program of
5 treatment, as ordered by the director,
6 is not eligible for assignment to the custody of the division of parole
7 and probation to serve a term of residential confinement pursuant to
8 this section.

9 4. If an offender assigned to the custody of the division of
10 parole and probation pursuant to this section escapes or violates any
11 of the terms or conditions of his residential confinement:

12 (a) The division of parole and probation may, pursuant to the
13 procedure set forth in NRS 213.410, return the offender to the
14 custody of the department.

15 (b) The offender forfeits all or part of the credits for good
16 behavior earned by him before the escape or violation, as
17 determined by the director. The director may provide for a
18 forfeiture of credits pursuant to this paragraph only after proof of
19 the offense and notice to the offender, and may restore credits
20 forfeited for such reasons as he considers proper. The decision of
21 the director regarding such a forfeiture is final.

22 5. The assignment of an offender to the custody of the division
23 of parole and probation pursuant to this section shall be deemed:

24 (a) A continuation of his imprisonment and not a release on
25 parole; and

26 (b) For the purposes of NRS 209.341, an assignment to a facility
27 of the department,
28 except that the offender is not entitled to obtain any benefits or to
29 participate in any programs provided to offenders in the custody of
30 the department.

31 6. An offender does not have a right to be assigned to the
32 custody of the division of parole and probation pursuant to this
33 section, or to remain in that custody after such an assignment, and it
34 is not intended that the provisions of this section or of NRS 213.371
35 to 213.410, inclusive, create any right or interest in liberty or
36 property or establish a basis for any cause of action against the
37 state, its political subdivisions, agencies, boards, commissions,
38 departments, officers or employees.

1 2. Chapter 654, Statutes of Nevada 1997, at page 3246, is hereby
2 amended by adding thereto a new section to be designated as section 13.5,
3 immediately following section 13, to read as follows:

4 Sec. 13.5. Section 1 of chapter 508, Statutes of Nevada 1997,
5 at page 2410, is hereby amended to read as follows:

6 Section 1. Chapter 209 of NRS is hereby amended by
7 adding thereto a new section to read as follows:

8 1. Except as otherwise provided in subsection 6, the director
9 may assign an offender to the custody of the division of parole
10 and probation of the department of motor vehicles and public
11 safety to serve a term of residential confinement pursuant to NRS
12 213.380, for not longer than the remainder of his sentence, if:

13 (a) The director has reason to believe that the offender is:

14 (1) Physically incapacitated to such a degree that he does
15 not presently, and likely will not in the future, pose a threat to the
16 safety of the public; or

17 (2) In ill health and expected to die within 12 months, and
18 does not presently, and likely will not in the future, pose a threat
19 to the safety of the public; and

20 (b) At least two physicians licensed pursuant to chapter 630 of
21 NRS, one of whom is not employed by the department, verify, in
22 writing, that the offender is:

23 (1) Physically incapacitated; or

24 (2) In ill health and expected to die within 12 months.

25 2. If the director intends to assign an offender to the custody
26 of the division of parole and probation pursuant to this section, at
27 least 45 days before the date the offender is expected to be
28 released from the custody of the department, the director shall
29 notify:

30 (a) If the offender will reside within this state after he is
31 released from the custody of the department, the board of county
32 commissioners of the county in which the offender will reside;
33 and

34 (b) The division of parole and probation.

35 3. If any victim of a crime committed by the offender has,
36 pursuant to subsection 3 of NRS 213.130, requested to be
37 notified of an application for parole and has provided a current
38 address, the division of parole and probation shall notify the
39 victim that:

40 (a) The director intends to assign the offender to the custody
41 of the division of parole and probation pursuant to this section;
42 and

1 (b) The victim may submit documents to the division of parole
2 and probation regarding such an assignment.

3 If a current address has not been provided by a victim as required
4 by subsection 3 of NRS 213.130, the division of parole and
5 probation must not be held responsible if notification is not
6 received by the victim. *All personal information, including, but*
7 *not limited to, a current or former address, which pertains to a*
8 *victim and which is received by the division of parole and*
9 *probation pursuant to this subsection is confidential.*

10 4. If an offender assigned to the custody of the division of
11 parole and probation pursuant to this section escapes or violates
12 any of the terms or conditions of his residential confinement:

13 (a) The division of parole and probation may, pursuant to the
14 procedure set forth in NRS 213.410, return the offender to the
15 custody of the department.

16 (b) The offender forfeits all or part of the credits for good
17 behavior earned by him before the escape or violation, as
18 determined by the director. The director may provide for a
19 forfeiture of credits pursuant to this paragraph only after proof of
20 the offense and notice to the offender, and may restore credits
21 forfeited for such reasons as he considers proper. The decision of
22 the director regarding such a forfeiture is final.

23 5. The assignment of an offender to the custody of the
24 division of parole and probation pursuant to this section shall be
25 deemed:

26 (a) A continuation of his imprisonment and not a release on
27 parole; and

28 (b) For the purposes of NRS 209.341, an assignment to a
29 facility of the department,
30 except that the offender is not entitled to obtain any benefits or to
31 participate in any programs provided to offenders in the custody
32 of the department.

33 6. The director may not assign an offender to the custody of
34 the division of parole and probation pursuant to this section if the
35 offender is sentenced to death or imprisonment for life without
36 the possibility of parole.

37 7. An offender does not have a right to be assigned to the
38 custody of the division of parole and probation pursuant to this
39 section, or to remain in that custody after such an assignment,
40 and it is not intended that the provisions of this section or of NRS
41 213.371 to 213.410, inclusive, create any right or interest in
42 liberty or property or establish a basis for any cause of action

1 against the state, its political subdivisions, agencies, boards,
2 commissions, departments, officers or employees.

3 **Sec. 112.** Section 13 of chapter 655, Statutes of Nevada 1997, at page
4 3252, is hereby amended to read as follows:

5 Sec. 13. Chapter 378 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *1. The state librarian shall establish a program to provide*
8 *grants of money to the public libraries of this state for the*
9 *purchase or acquisition of books, library materials and computer*
10 *data bases. The money must be provided by legislative*
11 *appropriation, accounted for separately and administered by the*
12 *state librarian.*

13 *2. The state librarian shall, within the limits of legislative*
14 *appropriation, provide such grants based on the following:*

15 *(a) If the requesting library has a budget for materials which is*
16 *\$10,000 or less, the requesting library is eligible to receive a base*
17 *grant of \$1,000, plus a matching grant in an amount that is not*
18 *more than 75 percent of its budget for materials.*

19 *(b) If the requesting library has a budget for materials which is*
20 *more than \$10,000 but less than \$75,000, the requesting library is*
21 *eligible to receive a base grant of \$5,000, plus a matching grant*
22 *in an amount that is not more than 50 percent of its budget for*
23 *materials.*

24 *(c) If the requesting library has a budget for materials which is*
25 *\$75,000 or more but less than \$150,000, the requesting library is*
26 *eligible to receive a base grant of \$10,000, plus a matching grant*
27 *in an amount that is not more than 33 1/3 percent of its budget*
28 *for materials.*

29 *(d) If the requesting library has a budget for materials which is*
30 *\$150,000 or more but less than \$500,000, the requesting library is*
31 *eligible to receive a base grant of \$15,000, plus a matching grant*
32 *in an amount that is not more than 25 percent of its budget for*
33 *materials.*

34 *(e) If the requesting library has a budget for materials which is*
35 *\$500,000 or more, the requesting library is eligible to receive a*
36 *base grant of \$25,000, plus a matching grant in the first year it*
37 *receives a grant pursuant to this paragraph in an amount that is*
38 *not more than 10 percent of its budget for materials. The amount*
39 *of the matching grant provided in any year may be increased by*
40 *10 percent in each succeeding year, except that in no event may*
41 *the matching grant provided in any year exceed 25 percent of the*
42 *library's budget for materials in that year.*

1 3. *The state librarian shall adopt such regulations as are*
2 *necessary to:*

3 (a) *Establish a procedure pursuant to which a public library*
4 *may apply to receive a grant pursuant to this section;*

5 (b) *Determine the eligibility of a public library to receive such*
6 *a grant; and*

7 (c) *Determine the exact amount of a grant to be awarded to a*
8 *public library.*

9 4. *Money granted pursuant to this section must not supplant*
10 *or cause to be reduced any other source of funding for a public*
11 *library and must be used exclusively by the public library to*
12 *purchase or acquire books, library materials and computer data*
13 *bases.*

14 5. *For the purposes of this section, “public library” does not*
15 *include a library operated within the University and Community*
16 *College System of Nevada.*

17 **Sec. 113.** Sections 32 and 38 of chapter 660, Statutes of Nevada 1997,
18 at pages 3299 and 3304, respectively, are hereby amended to read
19 respectively as follows:

20 Sec. 32. NRS 482.181 is hereby amended to read as follows:

21 482.181 1. Except as otherwise provided in subsection 4, the
22 department shall certify monthly to the state board of examiners the
23 amount of the basic and supplemental privilege taxes collected for
24 each county by the department and its agents during the preceding
25 month, and that money must be distributed monthly as provided in
26 this section.

27 2. Any supplemental privilege tax collected for a county must
28 be distributed only to the county, to be used as provided in NRS
29 371.045 and 371.047.

30 3. The distribution of the basic privilege tax within a county
31 must be made to local governments, ~~[as defined in NRS 354.474,~~
32 ~~except redevelopment agencies,]~~ *special districts and enterprise*
33 *districts pursuant to the provisions of sections 10 and 11 of this*
34 *act. The distribution of the basic privilege tax must be made to the*
35 *county school district within the county before the distribution of*
36 *the basic privilege tax pursuant to the provisions of sections 10*
37 *and 11 of this act and* in the same ratio as all property taxes were
38 levied in the county in the previous fiscal year, but the State of
39 Nevada is not entitled to share in that distribution. ~~[and at least 5~~
40 ~~percent of the basic privilege tax disbursed to a county must be~~
41 ~~deposited for credit to the county’s general fund. The 5 percent~~
42 ~~must be calculated in the same manner as the commission calculated~~
43 ~~for the department of motor vehicles and public safety.]~~ For the

1 purpose of ~~[this subsection,]~~ *calculating the amount of basic*
2 *privilege tax to be distributed to the county school district*, the
3 taxes levied by each local government, *special district and*
4 *enterprise district* are the product of its certified valuation,
5 determined pursuant to subsection 2 of NRS 361.405, and its tax
6 rate, established pursuant to NRS 361.455 for the fiscal year
7 beginning on July 1, 1980, except that the tax rate for school
8 districts, including the rate attributable to a district's debt service, is
9 the rate established pursuant to NRS 361.455 for the fiscal year
10 beginning on July 1, 1978, but if the rate attributable to a district's
11 debt service in any fiscal year is greater than its rate for the fiscal
12 year beginning on July 1, 1978, the higher rate must be used to
13 determine the amount attributable to debt service.

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

18 5. ~~[Local governments, other than incorporated cities, are~~
19 ~~entitled to receive no distribution of basic privilege tax if the~~
20 ~~distribution to the local government is less than \$100. Any~~
21 ~~undistributed money accrues to the county general fund of the~~
22 ~~county in which the local government is located.~~

23 ~~—6.]~~ The department shall make distributions of basic privilege
24 tax directly to ~~[counties,]~~ county school districts. ~~[and incorporated~~
25 ~~cities. Distributions for other local governments within a county~~
26 ~~must be paid to the counties for distribution to the other local~~
27 ~~governments.]~~

28 6. *As used in this section:*

29 (a) *“Enterprise district” has the meaning ascribed to it in*
30 *section 4 of this act.*

31 (b) *“Local government” has the meaning ascribed to it in*
32 *section 6 of this act.*

33 (c) *“Special district” has the meaning ascribed to it in section*
34 *7 of this act.*

35 Sec. 38. 1. This section and sections 1 to 7, inclusive, 12,
36 12.5, 13 and 37 of this act become effective upon passage and
37 approval.

38 2. Sections 8 to 11, inclusive, and 14 to ~~[36,]~~ 35, inclusive, of
39 this act become effective on July 1, 1998.

1 **Sec. 114.** Section 3 of chapter 666, Statutes of Nevada 1997, at page
2 3327, is hereby amended to read as follows:

3 Sec. 3. NRS 281.511 is hereby amended to read as follows:

4 281.511 1. The commission shall render an opinion
5 interpreting the statutory ethical standards and apply the standards
6 to a given set of facts and circumstances ~~{ }~~ upon request ~~{ }~~ from a
7 public officer or employee who is seeking guidance on questions
8 which directly relate to the propriety of his own past, present or
9 future conduct as an officer or employee. He may also request the
10 commission to hold a public hearing regarding the requested
11 opinion. If a requested opinion relates to the propriety of his own
12 present or future conduct, the opinion of the commission is:

13 (a) Binding upon the requester as to his future conduct; and

14 (b) Final and subject to judicial review pursuant to NRS
15 233B.130, except that ~~{any}~~ a proceeding regarding this review
16 must be held in closed court without admittance of ~~{any person}~~
17 *persons* other than those necessary to the proceeding, unless this
18 right to confidential proceedings is waived by the requester.

19 2. The commission may render an opinion interpreting the
20 statutory ethical standards and apply the standards to a given set of
21 facts and circumstances:

22 (a) Upon request from a specialized or local ethics committee .

23 ~~{ }~~

24 (b) Upon request from ~~{any}~~ a person, if the requester ~~{submits}~~
25 :

26 *(1) Submits* all related evidence deemed necessary by the
27 commission for it to make a preliminary determination of whether
28 ~~{it desires to take jurisdiction over the matter; or}~~ *there is just and*
29 *sufficient cause to render an opinion in the matter; and*

30 *(2) Signs a statement on a form prescribed by the*
31 *commission in which he affirms that:*

32 *(I) The accusation or information contained in the*
33 *request is true;*

34 *(II) He did not submit the request in bad faith or with a*
35 *vexatious purpose; and*

36 *(III) He understands that the commission may impose*
37 *penalties upon him pursuant to NRS 281.551 if the commission*
38 *determines that the accusation or information is false and was*
39 *submitted in bad faith, with a vexatious purpose or in connection*
40 *with a request for an opinion that the commission determines to*
41 *be without merit.*

42 (c) Upon the commission's own motion regarding the propriety
43 of conduct by a public officer or employee, if the commission first

determines in an adopted motion that there is just and sufficient cause to render an opinion concerning the conduct of that public officer or employee . ~~;~~

~~on the condition that any public officer or employee about whom an opinion is requested or authorized must be notified immediately by certified mail that an opinion has been requested or authorized and that he has a right to appear before the commission and present evidence and argument.~~

The commission shall not ~~issue an opinion nor determine~~ *initiate proceedings pursuant to this paragraph based solely upon an anonymous complaint.*

Proceedings that the commission initiates pursuant to this paragraph must remain confidential unless the commission determines that there is just and sufficient cause to render an opinion.

The commission shall not determine that *there is* just and sufficient cause ~~exists~~ to render an opinion without extending the public officer or employee an opportunity to appear before the commission and present evidence and argument.

3. The commission shall render ~~the~~ *an* opinion requested pursuant to this section as expeditiously as possible in light of the circumstances of the public officer or employee about whom the opinion is requested, so as to minimize ~~any~~ adverse consequences to him that may result from ~~any~~ a delay in issuing the opinion.

4. Each request for an opinion ~~submitted~~ *that a public officer or employee submits to the commission* pursuant to subsection 1 ~~for 2, each such~~ , *each* opinion rendered by the commission *in response to such a request* and any motion, preliminary determination, evidence or record of a hearing relating to such a request are confidential unless ~~;~~

~~—(a) It is an opinion requested pursuant to subsection 1 and~~ the public officer or employee who requested the opinion:

~~{(1)}~~ *(a)* Acts in contravention of the opinion, in which case the commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

~~{(2)}~~ *(b)* Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto; or

~~{(3)}~~ *(c)* Requests the commission to disclose the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto . ~~;~~ ~~or~~

~~—(b) It is an opinion requested pursuant to subsection 2 regarding the past conduct of a public officer or employee and:~~

1 ~~—(1) The commission determines pursuant to subsection 2 that~~
2 ~~there is just and sufficient cause to render an opinion, in which case~~
3 ~~the commission may open the proceedings to the public and~~
4 ~~disclose the request for the opinion, the contents of the opinion and~~
5 ~~any motion, preliminary determination, evidence or record of a~~
6 ~~hearing related thereto;~~

7 ~~—(2) The commission determines that there is insufficient basis~~
8 ~~to render an opinion and the person about whom the opinion was~~
9 ~~requested has asked the commission to make public the reasons for~~
10 ~~not rendering the opinion; or~~

11 ~~—(3) The person about whom the opinion was requested~~
12 ~~discloses the request for the opinion, the contents of the opinion, or~~
13 ~~any motion, preliminary determination, evidence or record of a~~
14 ~~hearing related thereto.~~

15 ~~—5.— If an opinion is requested and a motion that there is just and~~
16 ~~sufficient cause to render an opinion has been adopted by the~~
17 ~~commission,]~~

18 5. *Except as otherwise provided in this subsection, each*
19 *document in the possession of the commission that is related to a*
20 *request for an opinion regarding a public officer or employee*
21 *submitted to the commission pursuant to paragraph (b) of*
22 *subsection 2, including the commission's copy of the request and*
23 *all materials and information gathered in an investigation of the*
24 *request, is confidential until the commission determines whether*
25 *there is just and sufficient cause to render an opinion in the*
26 *matter. The public officer or employee who is the subject of a*
27 *request for an opinion submitted pursuant to paragraph (b) of*
28 *subsection 2 may in writing authorize the commission to make its*
29 *files, material and information which are related to the request*
30 *publicly available.*

31 6. *Whenever the commission holds a hearing for a purpose*
32 *other than to determine whether there is just and sufficient cause*
33 *to render an opinion in a matter,* the commission shall:

34 (a) Notify the person about whom the opinion was requested of
35 the place and time of the commission's hearing on the matter;

36 (b) Allow ~~him~~ *the person* to be represented by counsel; and

37 (c) Allow ~~him~~ *the person* to hear the evidence presented to the
38 commission and to respond and present evidence on his own behalf.
39 The commission's hearing may be held no sooner than 2 weeks
40 after the notice is given ~~to~~.

41 ~~—6.— If any person requesting]~~ *unless the person agrees to a*
42 *shorter time.*

1 **7. If a person who requests** an opinion pursuant to subsection
2 1 or 2 does not:

3 (a) Submit all necessary information to the commission; and
4 (b) Declare by oath or affirmation that he will testify truthfully,
5 the commission may decline to render an opinion.

6 ~~[7.] 8.~~ For the purposes of NRS 41.032, the members of the
7 commission and its employees shall be deemed to be exercising or
8 performing a discretionary function or duty when taking ~~[any] an~~
9 action related to the rendering of an opinion pursuant to this section.

10 ~~[8.—Except as otherwise provided in this subsection, the]~~

11 **9. The** commission shall publish hypothetical opinions which
12 are abstracted from the opinions rendered pursuant to subsection 1 ,
13 ~~[or 2,]~~ for the future guidance of all persons concerned with ethical
14 standards in government. ~~[The commission need not publish a~~
15 ~~hypothetical opinion regarding issues covered by an opinion which~~
16 ~~was made public in accordance with subsection 4.~~

17 ~~—9.] 10.~~ A meeting or hearing ~~[held by]~~ **that** the commission
18 **holds** to receive information or evidence concerning the propriety
19 of the conduct of ~~[any] a~~ public officer or employee pursuant to this
20 section and the commission’s deliberations on ~~[the]~~ **such**
21 information or evidence are not subject to ~~[any provision]~~ **the**
22 **provisions** of chapter 241 of NRS.

23 **Sec. 115.** Section 2 of chapter 673, Statutes of Nevada 1997, at page
24 3346, is hereby amended to read as follows:

25 Sec. 2. NRS 361.835 is hereby amended to read as follows:

26 361.835 1. A senior citizen who has rented and maintained
27 his primary residence in a home or on a lot since July 1 of the
28 preceding calendar year and whose household income is ~~[not more~~
29 ~~than \$19,100]~~ **within one of the income ranges for which**
30 **assistance is provided in NRS 361.833** is entitled to a refund as
31 determined in accordance with the schedule ~~[in NRS 361.833.]~~ **of**
32 **income ranges as adjusted pursuant to that section.**

33 2. The amount of the refund provided pursuant to subsection 1
34 must not exceed an amount equal to that portion of the rent which is
35 rent deemed to constitute accrued property tax, even if the rental
36 property is exempt from property tax.

37 **Sec. 116.** 1. Sections 3, 6, 7, 10, 12 and 15 of chapter 678, Statutes
38 of Nevada 1997, at pages 3357, 3360, 3361, 3362, 3363 and 3364,
39 respectively, are hereby amended to read respectively as follows:

40 Sec. 3. NRS 178.484 is hereby amended to read as follows:

41 178.484 1. Except as otherwise provided in this section, a
42 person arrested for an offense other than murder of the first degree
43 must be admitted to bail.

1 2. A person arrested for a felony who has been released on
2 probation or parole for a different offense must not be admitted to
3 bail unless:

4 (a) A court issues an order directing that the person be admitted
5 to bail;

6 (b) The state board of parole commissioners directs the detention
7 facility to admit the person to bail; or

8 (c) The division of parole and probation of the department of
9 motor vehicles and public safety directs the detention facility to
10 admit the person to bail.

11 3. A person arrested for a felony whose sentence has been
12 suspended pursuant to NRS 4.373 or 5.055 for a different offense or
13 who has been sentenced to a term of residential confinement
14 pursuant to NRS 4.3762 or 5.076 for a different offense must not be
15 admitted to bail unless:

16 (a) A court issues an order directing that the person be admitted
17 to bail; or

18 (b) A department of alternative sentencing directs the detention
19 facility to admit the person to bail.

20 4. A person arrested for murder of the first degree may be
21 admitted to bail unless the proof is evident or the presumption great
22 by any competent court or magistrate authorized by law to do so in
23 the exercise of discretion, giving due weight to the evidence and to
24 the nature and circumstances of the offense.

25 5. A person arrested for a battery upon his spouse, former
26 spouse, a person to whom he is related by blood, a person with
27 whom he is or was actually residing or with whom he has a child in
28 common, his minor child or a minor child of that person, must not
29 be admitted to bail sooner than 12 hours after his arrest. *If the*
30 *person is admitted to bail more than 12 hours after his arrest,*
31 *pursuant to subsection 5 of NRS 171.178, without appearing*
32 *personally before a magistrate, the amount of bail must be:*

33 (a) *Three thousand dollars, if the person has no previous*
34 *convictions of battery upon a person listed in this subsection and*
35 *there is no reason to believe that the battery for which he has*
36 *been arrested resulted in substantial bodily harm;*

37 (b) *Five thousand dollars, if the person has:*

38 (1) *No previous convictions of battery upon a person listed*
39 *in this subsection, but there is reason to believe that the battery*
40 *for which he has been arrested resulted in substantial bodily*
41 *harm; or*

42 (2) *One previous conviction of battery upon a person listed*
43 *in this subsection, but there is no reason to believe that the battery*

1 *for which he has been arrested resulted in substantial bodily*
2 *harm; or*

3 *(c) Fifteen thousand dollars, if the person has:*

4 *(1) One previous conviction of battery upon a person listed*
5 *in this subsection and there is reason to believe that the battery*
6 *for which he has been arrested resulted in substantial bodily*
7 *harm; or*

8 *(2) Two or more previous convictions of battery upon one or*
9 *more persons listed in this subsection.*

10 *The provisions of this subsection do not affect the authority of a*
11 *magistrate or a court to set the amount of bail when the person*
12 *personally appears before the magistrate or the court.*

13 6. The court may, before releasing a person arrested for an
14 offense punishable as a felony, require the surrender to the court of
15 any passport the person possesses.

16 7. *Before releasing a person arrested for any crime, the court*
17 *may impose such reasonable conditions on the person as it deems*
18 *necessary to protect the health, safety and welfare of the*
19 *community and to ensure that the person will appear at all times*
20 *and places ordered by the court, including, without limitation:*

21 *(a) Requiring the person to remain in this state or a certain*
22 *county within this state;*

23 *(b) Prohibiting the person from contacting or attempting to*
24 *contact a specific person or from causing or attempting to cause*
25 *another person to contact that person on his behalf;*

26 *(c) Prohibiting the person from entering a certain geographic*
27 *area; or*

28 *(d) Prohibiting the person from engaging in specific conduct*
29 *that may be harmful to his own health, safety or welfare, or the*
30 *health, safety or welfare of another person.*

31 *In determining whether a condition is reasonable, the court shall*
32 *consider the factors listed in NRS 178.4853.*

33 8. If a person fails to comply with a condition imposed
34 pursuant to subsection 7, the court may, after providing the
35 person with reasonable notice and an opportunity for a hearing:

36 *(a) Deem such conduct a contempt pursuant to NRS 22.010;*
37 *or*

38 *(b) Increase the amount of bail pursuant to NRS 178.499.*

39 9. An order issued pursuant to this section that imposes a
40 condition on a person admitted to bail must include a provision
41 ordering any law enforcement officer to arrest the person if he
42 has probable cause to believe that the person has violated a
43 condition of his bail.

1 **10.** Before a person may be admitted to bail, he must sign a
2 document stating that:

3 (a) He will appear at all times and places as ordered by the court
4 releasing him and as ordered by any court before which the charge
5 is subsequently heard;

6 (b) He will comply with the other conditions which have been
7 imposed by the court and are stated in the document; and

8 (c) If he fails to appear when so ordered and is taken into
9 custody outside of this state, he waives all his rights relating to
10 extradition proceedings.

11 The signed document must be filed with the clerk of the court of
12 competent jurisdiction as soon as practicable, but in no event later
13 than the next business day.

14 **11. *If a person admitted to bail fails to appear as ordered by a***
15 ***court and the jurisdiction incurs any cost in returning the person***
16 ***to the jurisdiction to stand trial, the person who failed to appear is***
17 ***responsible for paying those costs as restitution.***

18 Sec. 6. NRS 4.3762 is hereby amended to read as follows:

19 4.3762 1. Except as otherwise provided in subsection 6, in
20 lieu of imposing any punishment other than a minimum sentence
21 mandated by statute, a justice of the peace may sentence a person
22 convicted of a misdemeanor to a term of residential confinement. In
23 making this determination, the justice of the peace shall consider
24 the criminal record of the convicted person and the seriousness of
25 the crime committed.

26 2. In sentencing a convicted person to a term of residential
27 confinement, the justice of the peace shall:

28 (a) Require the convicted person to be confined to his residence
29 during the time he is away from his employment, public service or
30 other activity authorized by the justice of the peace; and

31 (b) Require intensive supervision of the convicted person,
32 including, without limitation, electronic surveillance and
33 unannounced visits to his residence or other locations where he is
34 expected to be to determine whether he is complying with the terms
35 of his sentence.

36 3. In sentencing a convicted person to a term of residential
37 confinement, the justice of the peace may, when the circumstances
38 warrant, require the convicted person to submit to:

39 (a) A search and seizure by the chief of a department of
40 alternative sentencing, an assistant alternative sentencing officer or
41 any other law enforcement officer at any time of the day or night
42 without a search warrant; and

1 (b) Periodic tests to determine whether the offender is using a
2 controlled substance or consuming alcohol.

3 4. An electronic device ~~approved by the division of parole and~~
4 ~~probation of the department of motor vehicles and public safety~~
5 may be used to supervise a convicted person sentenced to a term of
6 residential confinement. The device must be minimally intrusive
7 and limited in capability to recording or transmitting information
8 concerning the presence of the person at his residence, including,
9 but not limited to, the transmission of still visual images which do
10 not concern the activities of the person while inside his residence. A
11 device which is capable of recording or transmitting:

12 (a) Oral or wire communications or any auditory sound; or

13 (b) Information concerning the activities of the person while
14 inside his residence,
15 must not be used.

16 5. A term of residential confinement, together with the term of
17 any minimum sentence mandated by statute, may not exceed the
18 maximum sentence which otherwise could have been imposed for
19 the offense.

20 6. The justice of the peace shall not sentence a person
21 convicted of committing a battery which constitutes domestic
22 violence pursuant to NRS 33.018 to a term of residential
23 confinement in lieu of imprisonment unless the justice of the peace
24 makes a finding that the person is not likely to pose a threat to the
25 victim of the battery.

26 7. The justice of the peace may issue a warrant for the arrest of
27 a convicted person who violates or fails to fulfill a condition of
28 residential confinement.

29 Sec. 7. NRS 5.076 is hereby amended to read as follows:

30 5.076 1. Except as otherwise provided in subsection 6, in lieu
31 of imposing any punishment other than a minimum sentence
32 mandated by statute, a municipal judge may sentence a person
33 convicted of a misdemeanor to a term of residential confinement. In
34 making this determination, the municipal judge shall consider the
35 criminal record of the convicted person and the seriousness of the
36 crime committed.

37 2. In sentencing a convicted person to a term of residential
38 confinement, the municipal judge shall:

39 (a) Require the convicted person to be confined to his residence
40 during the time he is away from his employment, public service or
41 other activity authorized by the municipal judge; and

42 (b) Require intensive supervision of the convicted person,
43 including, without limitation, electronic surveillance and

1 unannounced visits to his residence or other locations where he is
2 expected to be in order to determine whether he is complying with
3 the terms of his sentence.

4 3. In sentencing a convicted person to a term of residential
5 confinement, the municipal judge may, when the circumstances
6 warrant, require the convicted person to submit to:

7 (a) A search and seizure by the chief of a department of
8 alternative sentencing, an assistant alternative sentencing officer or
9 any other law enforcement officer at any time of the day or night
10 without a search warrant; and

11 (b) Periodic tests to determine whether the offender is using a
12 controlled substance or consuming alcohol.

13 4. An electronic device ~~approved by the division of parole and~~
14 ~~probation of the department of motor vehicles and public safety~~
15 may be used to supervise a convicted person sentenced to a term of
16 residential confinement. The device must be minimally intrusive
17 and limited in capability to recording or transmitting information
18 concerning the presence of the person at his residence, including,
19 but not limited to, the transmission of still visual images which do
20 not concern the activities of the person while inside his residence. A
21 device which is capable of recording or transmitting:

22 (a) Oral or wire communications or any auditory sound; or

23 (b) Information concerning the activities of the person while
24 inside his residence,
25 must not be used.

26 5. A term of residential confinement, together with the term of
27 any minimum sentence mandated by statute, may not exceed the
28 maximum sentence which otherwise could have been imposed for
29 the offense.

30 6. The municipal judge shall not sentence a person convicted of
31 committing a battery which constitutes domestic violence pursuant
32 to NRS 33.018 to a term of residential confinement in lieu of
33 imprisonment unless the municipal judge makes a finding that the
34 person is not likely to pose a threat to the victim of the battery.

35 7. The municipal judge may issue a warrant for the arrest of a
36 convicted person who violates or fails to fulfill a condition of
37 residential confinement.

38 Sec. 10. NRS 213.1076 is hereby amended to read as follows:

39 213.1076 1. The division shall:

40 (a) Except as otherwise provided in this section, charge each
41 parolee, ~~or~~ probationer **or person supervised by the division**
42 **through residential confinement** a fee to defray the cost of his
43 supervision.

(b) Adopt by regulation a schedule of fees to defray the costs of supervision of a parolee ~~{or probationer.}~~, **probationer or person supervised by the division through residential confinement.** The regulation must provide for a monthly fee of at least \$30.

2. The chief may waive the fee to defray the cost of supervision, in whole or in part, if he determines that payment of the fee would create an economic hardship on the parolee ~~{or probationer.}~~, **probationer or person supervised by the division through residential confinement.**

3. Unless waived pursuant to subsection 2, the payment by a parolee, ~~{or}~~ probationer **or person supervised by the division through residential confinement** of a fee charged pursuant to subsection 1 is a condition of his parole ~~{or probation.}~~, **probation or residential confinement.**

Sec. 12. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.460, inclusive, ~~{and}~~ sections 2 to 6, inclusive, of Senate Bill No. 155 of this session ~~{}~~ **and section 11 of this act**, unless the context otherwise requires:

1. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. “Division” means the division of child and family services of the department of human resources.

3. “Domestic violence” means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he had or is having a dating relationship or with whom he has a child in common, or upon his minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, ~~{but is not limited to:}~~ **without limitation:**

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incompetent person for whom a fictitious address has been issued pursuant to sections 2 to 6, inclusive, of ~~this act.~~ *Senate Bill No. 155 of this session.*

6. "Victim of domestic violence" includes the dependent children of the victim.

Sec. 15. ~~Section~~

1. This section and section 12.3 of this act become effective on September 30, 1997.

2. Sections 3 and 9 of this act ~~becomes~~ become effective at 12:01 a.m. on October 1, 1997.

3. Sections 6, 7 and 12 of this act become effective at 12:02 a.m. on October 1, 1997.

2. Chapter 678, Statutes of Nevada 1997, at page 3364, is hereby amended by adding thereto new sections to be designated as sections 12.3 and 12.5, immediately following section 12, to read respectively as follows:

Sec. 12.3. Sections 4 and 8 of chapter 415, Statutes of Nevada 1997, at pages 1478 and 1481, respectively, are hereby amended to read respectively as follows:

Sec. 4. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection ~~5,~~ 6, in lieu of imposing any punishment other than a minimum sentence mandated by statute, a municipal judge may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the municipal judge shall consider the criminal record of the ~~defendant~~ *convicted person* and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the municipal judge shall:

(a) Require the ~~defendant~~ *convicted person* to be confined to his residence during the time he is away from his employment,

1 public service or other activity authorized by the municipal
2 judge; and

3 (b) Require intensive supervision of the convicted person,
4 including, without limitation, electronic surveillance and
5 unannounced visits to his residence or other locations where he is
6 expected to be in order to determine whether he is complying
7 with the terms of his sentence.

8 3. *In sentencing a convicted person to a term of residential*
9 *confinement, the municipal judge may, when the*
10 *circumstances warrant, require the convicted person to submit*
11 *to:*

12 (a) *A search and seizure by the chief of a department of*
13 *alternative sentencing, an assistant alternative sentencing*
14 *officer or any other law enforcement officer at any time of the*
15 *day or night without a search warrant; and*

16 (b) *Periodic tests to determine whether the offender is using*
17 *a controlled substance or consuming alcohol.*

18 4. An electronic device approved by the division of parole
19 and probation of the department of motor vehicles and public
20 safety may be used to supervise a convicted person sentenced to a
21 term of residential confinement. The device must be minimally
22 intrusive and limited in capability to recording or transmitting
23 information concerning the presence of the person at his
24 residence, including, but not limited to, the transmission of still
25 visual images which do not concern the activities of the person
26 while inside his residence. A device which is capable of
27 recording or transmitting:

28 (a) Oral or wire communications or any auditory sound; or

29 (b) Information concerning the activities of the person while
30 inside his residence,
31 must not be used.

32 ~~{4.}~~ 5. A term of residential confinement, together with the
33 term of any minimum sentence mandated by statute, may not
34 exceed the maximum sentence which otherwise could have been
35 imposed for the offense.

36 ~~{5.}~~ 6. The municipal judge shall not sentence a person
37 convicted of committing a battery which constitutes domestic
38 violence pursuant to NRS 33.018 to a term of residential
39 confinement in lieu of imprisonment unless the municipal judge
40 makes a finding that the person is not likely to pose a threat to the
41 victim of the battery.

1 ***7. The municipal judge may issue a warrant for the arrest***
2 ***of a convicted person who violates or fails to fulfill a condition***
3 ***of residential confinement.***

4 Sec. 8. Sections 1, ~~and~~ 3 and 4 of this act become
5 effective at 12:01 a.m. on October 1, 1997.

6 Sec. 12.5. Section 7 of chapter 476, Statutes of Nevada 1997,
7 at page 1805, is hereby amended to read as follows:

8 Sec. 7. NRS 4.3762 is hereby amended to read as follows:

9 4.3762 1. ~~It is~~ ***Except as otherwise provided in subsection***
10 ***6, in*** lieu of imposing any punishment other than a minimum
11 sentence mandated by statute, a justice of the peace may sentence
12 a person convicted of a misdemeanor to a term of residential
13 confinement. In making this determination, the justice of the
14 peace shall consider the criminal record of the convicted person
15 and the seriousness of the crime committed.

16 2. In sentencing a convicted person to a term of residential
17 confinement, the justice of the peace shall:

18 (a) Require the convicted person to be confined to his
19 residence during the time he is away from his employment,
20 public service or other activity authorized by the justice of the
21 peace; and

22 (b) Require intensive supervision of the convicted person,
23 including, ***without limitation,*** electronic surveillance and
24 unannounced visits to his residence or other locations where he is
25 expected to be to determine whether he is complying with the
26 terms of his sentence.

27 3. In sentencing a convicted person to a term of residential
28 confinement, the justice of the peace may, when the
29 circumstances warrant, require the convicted person to submit to:

30 (a) A search and seizure by the chief of a department of
31 alternative sentencing, an assistant alternative sentencing officer
32 or any other law enforcement officer at any time of the day or
33 night without a search warrant; and

34 (b) Periodic tests to determine whether the offender is using a
35 controlled substance or consuming alcohol.

36 4. An electronic device approved by the division of parole
37 and probation of the department of motor vehicles and public
38 safety may be used to supervise a convicted person sentenced to a
39 term of residential confinement. The device must be minimally
40 intrusive and limited in capability to recording or transmitting
41 information concerning the presence of the person at his
42 residence, including, but not limited to, the transmission of still
43 visual images which do not concern the activities of the person

1 while inside his residence. A device which is capable of
2 recording or transmitting:

3 (a) Oral or wire communications or any auditory sound; or

4 (b) Information concerning the activities of the person while
5 inside his residence,
6 must not be used.

7 5. A term of residential confinement, together with the term
8 of any minimum sentence mandated by statute, may not exceed
9 the maximum sentence which otherwise could have been imposed
10 for the offense.

11 6. *The justice of the peace shall not sentence a person*
12 *convicted of committing a battery which constitutes domestic*
13 *violence pursuant to NRS 33.018 to a term of residential*
14 *confinement in lieu of imprisonment unless the justice of the*
15 *peace makes a finding that the person is not likely to pose a*
16 *threat to the victim of the battery.*

17 7. The justice of the peace may issue a warrant for the arrest
18 of a convicted person who violates or fails to fulfill a condition of
19 residential confinement.

20 **Sec. 117.** 1. Section 1 of chapter 679, Statutes of Nevada 1997, at
21 page 3365, is hereby amended to read as follows:

22 Section 1. NRS 37.010 is hereby amended to read as follows:

23 37.010 Subject to the provisions of this chapter, the right of
24 eminent domain may be exercised in behalf of the following public
25 purposes:

26 1. Federal activities. All public purposes authorized by the
27 Government of the United States.

28 2. State activities. Public buildings and grounds for the use of
29 the state, the University and Community College System of Nevada
30 and all other public purposes authorized by the legislature.

31 3. County, city, town and school district activities. Public
32 buildings and grounds for the use of any county, incorporated city
33 or town, or school district, reservoirs, water rights, canals,
34 aqueducts, flumes, ditches or pipes for conducting water for the use
35 of the inhabitants of any county, incorporated city or town, for
36 draining any county, incorporated city or town, for raising the banks
37 of streams, removing obstructions therefrom, and widening,
38 deepening or straightening their channels, for roads, streets and
39 alleys, and all other public purposes for the benefit of any county,
40 incorporated city or town, or the inhabitants thereof.

41 4. Bridges, toll roads, railroads, street railways and similar
42 uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll
43 roads, byroads, plank and turnpike roads, roads for transportation

1 by traction engines or locomotives, roads for logging or lumbering
2 purposes, and railroads and street railways for public transportation.

3 5. Ditches, canals, aqueducts for smelting, domestic uses,
4 irrigation and reclamation. Reservoirs, dams, water gates, canals,
5 ditches, flumes, tunnels, aqueducts and pipes for supplying persons,
6 mines, mills, smelters or other works for the reduction of ores, with
7 water for domestic and other uses, for irrigating purposes, for
8 draining and reclaiming lands, or for floating logs and lumber on
9 streams not navigable.

10 6. Mining, smelting and related activities. Mining, smelting and
11 related activities as follows:

12 (a) Mining and related activities, which are recognized as the
13 paramount interest of this state.

14 (b) Roads, railroads, tramways, tunnels, ditches, flumes, pipes ,
15 **reservoirs, dams, water gates, canals, aqueducts** and dumping
16 places to facilitate the milling, smelting or other reduction of ores,
17 ~~for~~ the working , **reclamation or dewatering** of mines, and for all
18 mining purposes, outlets, natural or otherwise, for the deposit or
19 conduct of tailings, refuse, or water from mills, smelters, or other
20 work for the reduction of ores from mines, mill dams, pipe lines,
21 tanks or reservoirs for natural gas or oil, an occupancy in common
22 by the owners or possessors of different mines, mills, smelters or
23 other places for the reduction of ores, or any place for the flow,
24 deposit or conduct of tailings or refuse matter and the necessary
25 land upon which to erect smelters and to operate them successfully,
26 including the deposit of fine flue dust, fumes and smoke.

27 7. Byroads. Byroads leading from highways to residences and
28 farms.

29 8. Public utilities. Lines for telegraph, telephone, electric light
30 and electric power and sites for plants for electric light and power.

31 9. Sewerage. Sewerage of any city, town, settlement of not less
32 than 10 families or any public building belonging to the state or
33 college or university.

34 10. Water for generation and transmission of electricity.
35 Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for
36 supplying and storing water for the operation of machinery to
37 generate and transmit electricity for power, light or heat.

38 11. Cemeteries, public parks. Cemeteries or public parks.

39 12. Pipe lines of beet sugar industry. Pipe lines to conduct any
40 liquids connected with the manufacture of beet sugar.

41 13. Pipe lines for petroleum products, natural gas. Pipe lines for
42 the transportation of crude petroleum, petroleum products or natural
43 gas, whether interstate or intrastate.

1 14. Aviation. Airports, facilities for air navigation and aerial
2 rights of way.

3 15. Monorails. Monorails and any other overhead or
4 underground system used for public transportation.

5 16. Community antenna television companies. Community
6 antenna television companies which have been granted a franchise
7 from the governing body of the jurisdictions in which they provide
8 services. The exercise of the power of eminent domain may include
9 the right to use the wires, conduits, cables or poles of any public
10 utility if:

11 (a) It creates no substantial detriment to the service provided by
12 the utility;

13 (b) It causes no irreparable injury to the utility; and

14 (c) The public utilities commission of Nevada, after giving
15 notice and affording a hearing to all persons affected by the
16 proposed use of the wires, conduits, cables or poles, has found that
17 it is in the public interest.

18 17. Redevelopment. The acquisition of property pursuant to
19 NRS 279.382 to 279.685, inclusive.

20 2. Chapter 679, Statutes of Nevada 1997, at page 3366, is hereby
21 amended by adding thereto a new section to be designated as section 2,
22 immediately following section 1, to read as follows:

23 Sec. 2. This act becomes effective at 12:01 a.m. on October 1,
24 1997.

25 **Sec. 118.** Section 15 of chapter 684, Statutes of Nevada 1997, at page
26 3398, is hereby amended to read as follows:

27 Sec. 15. NRS 366.203 is hereby amended to read as follows:

28 366.203 1. Special fuel , *other than compressed natural gas,*
29 *liquefied petroleum gas or kerosene,* which is exempt from the tax
30 pursuant to NRS 366.200 must be dyed before it is removed for
31 distribution from a rack. The dye added to the exempt special fuel
32 must be of the color and concentration required by the regulations
33 adopted by the Secretary of the Treasury pursuant to 26 U.S.C. §
34 4082.

35 2. Except as otherwise provided in subsection 3, a person shall
36 not operate or maintain on any highway in this state a motor vehicle
37 which contains in the fuel tank of that vehicle special fuel which has
38 been dyed.

39 3. A person who, pursuant to subsection 2, 3 or 4 of NRS
40 366.200 is exempt from the tax imposed by this chapter, may
41 operate or maintain a motor vehicle on a highway in this state which
42 contains in the fuel tank of that vehicle special fuel which has been
43 dyed.

4. There is a rebuttable presumption that all special fuel which has not been dyed and which is sold or distributed in this state is for the purpose of propelling a motor vehicle.

Sec. 119. 1. Sections 7, 22, 29, 34, 45, 47, 48, 55, 146, 149, 154, 158, 162, 165 and 174 of chapter 686, Statutes of Nevada 1997, at pages 3422, 3425, 3427, 3429, 3432, 3433, 3435, 3469, 3470, 3472, 3474, 3475, 3477 and 3482, are hereby amended to read respectively as follows:

Sec. 7. 1. Except as otherwise provided in section 8 of this act, a name may not be printed on a ballot to be used at a primary city election, unless the person named has filed a declaration of candidacy or an acceptance of candidacy and paid the fee established by the governing body of the city not earlier than 40 days before the primary city election and not later than 5 p.m. on the 30th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF FOR THE
OFFICE OF

State of Nevada ~~{}~~
~~{ss.}~~
City of ~~{}~~

For the purpose of having my name placed on the official ballot as a candidate for the office of....., I, the undersigned....., do swear or affirm *under penalty of perjury* that I reside at ~~{No....., Street,}~~ in the City or Town of....., County of....., State of Nevada; that my actual residence ~~{therein}~~ *in the city, township or other area prescribed by law to which the office pertains* began on a date 30 days or more before the date of the close of filing of declarations of candidacy for this office; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this state; ~~{and}~~ that I will qualify for the office if elected thereto ~~{}~~ *, including, but not limited to, complying with any limitation prescribed by the constitution and laws of this state concerning the numbers of years or terms for which a person may hold the office;* and my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before
me this..... day of....., 19...

.....
Notary Public or other person
authorized to administer an oath

3. A person may be a candidate under his given name and surname, a contraction or familiar form of his given name followed by his surname or the initial of his given name followed by his surname. A nickname of not more than 10 letters may be incorporated into a candidate's name. The nickname must be in quotation marks and appear immediately before the candidate's surname. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter concerning the person or principles for which he is voting.

4. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where he actually resides, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if the candidate's address is listed as a post office box unless a street address has not been assigned to his residence.

Sec. 22. 1. The offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must be printed on ballots for a city election in the following order:

(a) City offices:

(1) Mayor;

(2) Councilmen according to ward in numerical order, if no wards, in alphabetical order; and

(3) Municipal judges.

(b) Questions presented to the voters of a city or a portion of a city.

2. The city clerk ~~{may}~~ :

(a) *May* divide paper ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.

(b) *Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.*

Sec. 29. Where paper ballots are used for voting:

1. Except as otherwise provided in subsection 2, the voter shall mark his ballot in no other manner than by ~~{stamping a cross (X)}~~ *making a mark* in the square following the name of each candidate for whom he intends to vote for each office.

2. If a question is submitted to the registered voters, the ~~{cross}~~ *voter's mark* must be placed in the square following the answer that the voter chooses to give.

3. Before leaving the booth, the voter shall fold his ballot in such a manner that the number of the ballot appears on the outside, without exposing how he voted, and shall keep it so folded until he has delivered it to the officer from whom he received it, who shall announce the number of the ballot in an audible voice.

4. The election board officer who is in charge of the pollbook shall repeat the number and mark in the column opposite the number the word "Voted" or a character indicating the word "Voted."

5. The election board officer who receives the voted ballot shall separate from the ballot the strip bearing the number and shall deposit the ballot in the ballot box in the presence of the voter.

6. No ballot may be deposited in the ballot box until the slip containing the number of the ballot has been removed from the ballot by the election board officer. The strip bearing the number must be retained by the election board officer.

Sec. 34. 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not reside at the residence ~~{whose}~~ *for which* address is listed in the election

1 board register, “I swear or affirm *under penalty of perjury* that I
2 reside at the residence ~~[whose]~~ *for which the* address is listed in the
3 election board register”;

4 (b) If the challenge is on the ground that he previously voted a
5 ballot for the election, “I swear or affirm *under penalty of perjury*
6 that I have not voted for any of the candidates or questions included
7 on this ballot for this election”; or

8 (c) If the challenge is on the ground that he is not the person he
9 claims to be, “I swear or affirm *under penalty of perjury* that I am
10 the person whose name is in this election board register.”

11 The oath or affirmation must be set forth on a form prepared by the
12 secretary of state and signed by the challenged person under penalty
13 of perjury.

14 3. If the challenged person refuses to execute the oath or
15 affirmation so tendered, he must not be issued a ballot, and the
16 officer in charge of the election board register shall write the words
17 “Challenged” opposite his name in the election board
18 register.

19 4. If the challenged person refuses to execute the oath or
20 affirmation set forth in paragraph (a) of subsection 2, the election
21 board officers shall inform him that he is entitled to vote only in the
22 manner prescribed in section 35 of this act.

23 5. If the challenged person executes the oath or affirmation and
24 the challenge is not based on the ground set forth in paragraph (c)
25 of subsection 2, the election board officers shall issue him a ballot.

26 6. If the challenge is based on the ground set forth in paragraph
27 (a) of subsection 2, and the challenged person executes the oath or
28 affirmation, the election board shall not issue the person a ballot
29 until he furnishes satisfactory identification that contains proof of
30 the address at which he actually resides.

31 7. If the challenge is based on the ground set forth in paragraph
32 (c) of subsection 2 and the challenged person executes the oath or
33 affirmation, the election board shall not issue the person a ballot
34 unless he:

35 (a) Furnishes official identification which contains a photograph
36 of himself, such as his driver’s license or other official document; or

37 (b) Brings before the election board officers a person who is at
38 least 18 years old who:

39 (1) Furnishes official identification which contains a
40 photograph of himself, such as his driver’s license or other official
41 document; and

42 (2) Executes an oath or affirmation under penalty of perjury
43 that the challenged person is who he swears he is.

1 8. The election board officers shall record the result of the
2 challenge on the challenge list, and the election board officer in
3 charge of the checklist shall indicate next to the name of the
4 challenged person the result of the challenge.

5 Sec. 45. 1. If the request for an absent ballot is made by mail
6 or telegram, the city clerk shall, as soon as the official absent ballot
7 for the precinct or district in which the applicant resides has been
8 printed, send to the voter by first-class mail if the absent voter is
9 within the boundaries of the United States, its territories or
10 possessions or on a military base, or by air mail if the absent voter
11 is in a foreign country but not on a military base, postage prepaid:

12 (a) Except as otherwise provided in paragraph (b) ~~{,an}~~ :

13 (1) *An* absent ballot ~~{,a}~~ ;

14 (2) *A* return envelope ~~{,a-stamp}~~ ;

15 (3) *Supplies* for marking the ballot ~~{,a-stamp-pad-and~~
16 ~~instructions.}~~ ;

17 (4) *An envelope or similar device into which the ballot is*
18 *inserted to ensure its secrecy; and*

19 (5) *Instructions.*

20 (b) In those cities using a mechanical voting system whereby a
21 vote is cast by punching a card ~~{,a}~~ :

22 (1) *A* card attached to a sheet of foam plastic or similar
23 backing material ~~{,a}~~ ;

24 (2) *A* return envelope ~~{,a}~~ ;

25 (3) *A* punching instrument ~~{,a}~~ ;

26 (4) *A* sample ballot ~~{and-instructions.}~~ ;

27 (5) *An envelope or similar device into which the card is*
28 *inserted to ensure its secrecy; and*

29 (6) *Instructions.*

30 2. The return envelope must include postage prepaid by first-
31 class mail if the absent voter is within the boundaries of the United
32 States, its territories or possessions or on a military base.

33 3. Nothing may be enclosed or sent with an absent ballot except
34 as required by subsection 1.

35 4. Before depositing the ballot with the United States Postal
36 Service, the city clerk shall record the date the ballot is issued, the
37 name of the registered voter to whom it is issued, his precinct or
38 district, the number of the ballot and any remarks he finds
39 appropriate.

40 Sec. 47. 1. If a request for an absent ballot is made by a
41 registered voter in person, the city clerk shall issue an absent ballot
42 to the registered voter, and the ballot must be voted on the premises

1 of the city clerk's office and returned to the city clerk. The city
2 clerk shall follow the same procedure as in the case of absent
3 ballots received by mail.

4 2. At least 25 days before a primary city election or general city
5 election until 5:00 p.m. ~~{the day}~~ on:

6 (a) *The Friday before the election; or*

7 (b) *If the office of a city clerk is not scheduled to be open on*
8 *the Friday before the election, the Thursday* before the election,
9 each city clerk shall provide a voting booth, with suitable
10 equipment for voting, on the premises of his office for use by
11 registered voters who are issued absent ballots in accordance with
12 this section.

13 Sec. 48. 1. When an absent voter receives his ballot, he must
14 ~~{stamp}~~ mark and fold it, if it is a paper ballot, or punch it, if the
15 ballot is voted by punching a card, in accordance with the
16 instructions, deposit it in the return envelope, seal the envelope,
17 affix his signature on the back of the envelope in the space provided
18 therefor and mail the return envelope.

19 2. If the absent voter who has received a ballot by mail applies
20 to vote the ballot in person at:

21 (a) The city clerk's office, he must ~~{stamp}~~ mark or punch the
22 ballot, seal it in the return envelope and affix his signature in the
23 same manner as provided in subsection 1, and deliver the envelope
24 to the city clerk.

25 (b) A polling place, he must surrender the absent ballot and
26 provide satisfactory identification before being issued a ballot to
27 vote at the polling place. A person who receives a surrendered
28 absent ballot shall mark it ~~{“Spoiled.”}~~ *“Canceled.”*

29 3. Except as otherwise provided in section 43 of this act, it is
30 unlawful for any person other than the voter who requested an
31 absent ballot to return it. A person who violates the provisions of
32 this subsection is guilty of a category E felony and shall be
33 punished as provided in NRS 193.130.

34 Sec. 55. 1. The city clerk shall:

35 (a) Make certain of the names and addresses of all voters
36 registered to vote in mailing precincts and absent ballot mailing
37 precincts;

38 (b) Enroll the name and address of each voter found eligible to
39 vote in those precincts in the mailing precinct record book;

40 (c) Mark the number of the ballot on the return envelope; and

41 (d) Mail the ballot to the registered voter.

1 2. Except as otherwise provided in subsection 3, the ballot must
2 be accompanied by:

- 3 (a) ~~{A stamp and stamp pad;}~~ *Supplies for marking the ballot;*
4 (b) A return envelope;
5 (c) *An envelope or similar device into which the ballot is*
6 *inserted to ensure its secrecy;*
7 (d) A sample ballot; and
8 ~~{(d)}~~ (e) Instructions regarding the manner of ~~{stamping}~~
9 *marking* and returning the ballot.

10 3. In those cities using a mechanical voting system whereby a
11 vote is cast by punching a card, the ballot must be accompanied by:

- 12 (a) A sheet of foam plastic or similar backing material attached
13 to the card;
14 (b) A punching instrument;
15 (c) A return envelope;
16 (d) *An envelope or similar device into which the card is*
17 *inserted to ensure its secrecy;*
18 (e) A sample ballot; and
19 ~~{(e)}~~ (f) Instructions concerning the manner of punching and
20 returning the card.

21 Sec. 146. NRS 293.565 is hereby amended to read as follows:

22 293.565 1. Except as otherwise provided in subsection 2,
23 sample ballots must include:

- 24 (a) The fiscal note, as provided pursuant to NRS 218.443 or
25 293.250, for each proposed constitutional amendment or statewide
26 measure;
27 (b) An explanation, as provided pursuant to NRS 218.443, of
28 each proposed constitutional amendment or statewide measure,
29 including arguments for and against it; and
30 (c) The full text of each proposed constitutional amendment.

31 2. Sample ballots that are mailed to registered voters may be
32 printed without the full text of each proposed constitutional
33 amendment if:

- 34 (a) The cost of printing the sample ballots would be significantly
35 reduced if the full text of each proposed constitutional amendment
36 were not included;
37 (b) The county ~~{or city}~~ clerk ensures that a sample ballot that
38 includes the full text of each proposed constitutional amendment is
39 provided at no charge to each registered voter who requests such a
40 sample ballot; and
41 (c) The sample ballots provided to each polling place include the
42 full text of each proposed constitutional amendment.

1 3. At least 10 days before any election, the county ~~for city~~
2 clerk shall cause to be mailed to each registered voter in the county
3 ~~for city~~ a sample ballot for his precinct with a notice informing the
4 voter of the location of his polling place. If the location of the
5 polling place has changed since the last election:

6 (a) The county ~~for city~~ clerk shall mail a notice of the change to
7 each registered voter in the county ~~for city~~ not sooner than 10 days
8 before mailing the sample ballots; or

9 (b) The sample ballot must also include a notice in at least 10-
10 point bold type immediately above the location which states:

11
12 NOTICE: THE LOCATION OF YOUR POLLING PLACE
13 HAS CHANGED SINCE THE LAST ELECTION
14

15 4. The county ~~for city~~ clerk shall include in each sample ballot
16 for a primary election, ~~for primary city election,~~ a separate page
17 on which is printed a list of the offices and candidates for those
18 offices for which there is no opposition.

19 5. The cost of mailing sample ballots for any election other
20 than a primary or general election must be borne by the political
21 subdivision holding the election.

22 Sec. 149. NRS 293B.130 is hereby amended to read as
23 follows:

24 293B.130 1. Before any election where a mechanical voting
25 system is to be used, the county ~~for city~~ clerk shall prepare or
26 cause to be prepared a computer program on cards, tape or other
27 material suitable for use with the computer or counting device to be
28 employed for counting the votes cast. The program must cause the
29 computer or counting device to operate in the following manner:

30 (a) All lawful votes cast by each voter must be counted.

31 (b) All unlawful votes, including, but not limited to, overvotes
32 or, in a primary election, votes cast for a candidate of a major
33 political party other than the party, if any, of the registration of the
34 voter must not be counted.

35 (c) If the election is:

36 (1) A primary election held in an even-numbered year; or

37 (2) A general election,

38 the total votes, other than absentee votes and votes in a mailing
39 precinct, must be accumulated by precinct.

40 (d) The computer or counting device must halt or indicate by
41 appropriate signal if a ballot is encountered which lacks a code
42 identifying the precinct in which it was voted and, in a primary
43 election, identifying the major political party of the voter.

1 2. The program must be prepared under the supervision of the
2 accuracy certification board appointed pursuant to the provisions of
3 NRS 293B.140.

4 3. The county clerk shall take such measures as he deems
5 necessary to protect the program from being altered or damaged.

6 Sec. 154. NRS 294A.390 is hereby amended to read as
7 follows:

8 294A.390 The officer from whom a candidate or entity requests
9 a form for:

- 10 1. A declaration of candidacy;
11 2. An acceptance of candidacy;
12 3. ~~[An affidavit of candidacy;~~

13 ~~—4.]~~ The registration of a committee for political action pursuant
14 to NRS 294A.230 or a committee for the recall of a public officer
15 pursuant to 294A.250; or

16 ~~[5.]~~ 4. The reporting of campaign contributions, expenses or
17 expenditures pursuant to NRS 294A.120, 294A.140, 294A.150,
18 294A.180, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280
19 or 294A.360,

20 shall furnish the candidate with the necessary forms for reporting
21 and copies of the regulations adopted by the secretary of state
22 pursuant to this chapter. An explanation of the applicable provisions
23 of NRS 294A.100, 294A.120, 294A.140, 294A.150, 294A.180,
24 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or
25 294A.360 relating to the making, accepting or reporting of
26 campaign contributions, expenses or expenditures and the penalties
27 for a violation of those provisions as set forth in NRS 294A.100 or
28 section 12 of ~~[this act]~~ **Senate Bill No. 215 of this session** must be
29 printed on the forms. The candidate or entity shall acknowledge
30 receipt of the material.

31 Sec. 158. NRS 236.015 is hereby amended to read as follows:

32 236.015 1. The following days are declared to be legal
33 holidays for state, county and city governmental offices:

- 34
35 January 1 (New Year's Day)
36 Third Monday in January (Martin Luther King, Jr.'s Birthday)
37 Third Monday in February (Washington's Birthday)
38 Last Monday in May (Memorial Day)
39 July 4 (Independence Day)
40 First Monday in September (Labor Day)
41 October 31 (Nevada Day)
42 November 11 (Veterans' Day)
43 Fourth Thursday in November (Thanksgiving Day)

1 Friday following the fourth Thursday in November (Family
2 Day)

3 December 25 (Christmas Day)

4 Any day that may be appointed by the President of the United
5 States for public fast, thanksgiving or as a legal holiday
6 except for any Presidential appointment of the fourth
7 Monday in October as Veterans' Day.

8
9 2. Except as otherwise provided by NRS 293.560 ~~§~~ **and**
10 **section 72 of this act**, all state, county and city offices, courts,
11 public schools and the University and Community College System
12 of Nevada must close on the legal holidays enumerated in
13 subsection 1 unless in the case of appointed holidays all or a part
14 thereof are specifically exempted.

15 3. If January 1, July 4, October 31, November 11 or December
16 25 falls upon a:

17 (a) Sunday, the Monday following must be observed as a legal
18 holiday.

19 (b) Saturday, the Friday preceding must be observed as a legal
20 holiday.

21 Sec. 162. NRS 283.040 is hereby amended to read as follows:

22 283.040 1. Every office becomes vacant upon the occurring
23 of any of the following events before the expiration of the term:

24 (a) The death or resignation of the incumbent.

25 (b) The removal of the incumbent from office.

26 (c) The confirmed insanity of the incumbent, found by a court of
27 competent jurisdiction.

28 (d) A conviction of the incumbent of any felony or offense
29 involving a violation of his official oath or bond or a violation of
30 NRS 241.040 or 293.1755 ~~§~~ **or section 10 of this act**.

31 (e) A refusal or neglect of the person elected or appointed to
32 take the oath of office, as prescribed in NRS 282.010, or, when a
33 bond is required by law, his refusal or neglect to give ~~such a~~ **the**
34 bond within the time prescribed by law.

35 (f) Except as otherwise provided in NRS 266.400, the ceasing of
36 the incumbent to be a resident of the state, district, county, city,
37 ward or other unit prescribed by law in which the duties of his
38 office are to be exercised, or from which he was elected or
39 appointed, or in which he was required to reside to be a candidate
40 for office or appointed to office.

41 (g) The neglect or refusal of the incumbent to discharge the
42 duties of his office for a period of 30 days, except when prevented
43 by sickness or absence from the state or county, as provided by law.

1 In a county whose population is less than 10,000, after an
2 incumbent, other than a state officer, has been prevented by
3 sickness from discharging the duties of his office for at least 6
4 months, the district attorney, either on his own volition or at the
5 request of another person, may petition the district court to declare
6 the office vacant. If the incumbent holds the office of district
7 attorney, the attorney general, either on his own volition or at the
8 request of another person, may petition the district court to declare
9 the office vacant. The district court shall hold a hearing to
10 determine whether to declare the office vacant and, in making its
11 determination, shall consider evidence relating to:

- 12 (1) The medical condition of the incumbent;
- 13 (2) The extent to which illness, disease or physical weakness
14 has rendered the incumbent unable to manage independently and
15 perform the duties of his office; and
- 16 (3) The extent to which the absence of the incumbent has had
17 a detrimental effect on the applicable governmental entity.
- 18 (h) The decision of a competent tribunal declaring the election or
19 appointment void or the office vacant.

20 2. Upon the happening of any of the events ~~{enumerated}~~
21 *described* in subsection 1, ~~{should the incumbent fail or refuse}~~ *if*
22 *the incumbent fails or refuses* to relinquish his office, the attorney
23 general shall, if the office ~~{affected}~~ is a state office or concerns
24 more than one county, or the district attorney shall, if the office
25 ~~{affected}~~ is a county office or concerns territory within one county,
26 commence and prosecute, in a court of competent jurisdiction, any
27 proceedings for judgment and decree declaring ~~{such}~~ *that* office
28 vacant.

29 Sec. 165. NRS 350.024 is hereby amended to read as follows:

30 350.024 1. Except as otherwise provided in subsection 3, the
31 sample ballot required to be mailed pursuant to NRS 293.565 *or*
32 *section 73 of this act* and the notice of election must contain:

- 33 (a) The time and places of holding the election.
- 34 (b) The hours during the day in which the polls will be open,
35 which must be the same as provided for general elections.
- 36 (c) The purposes for which the obligations are to be issued or
37 incurred.
- 38 (d) A disclosure of any:
 - 39 (1) Future increase or decrease in costs which can reasonably
40 be anticipated in relation to the purposes for which the obligations
41 are to be issued or incurred and its probable effect on the tax rate;
42 and

1 (2) Requirement relating to the proposal which is imposed
2 pursuant to a court order or state or federal statute and the probable
3 consequences which will result if the bond question is not approved
4 by the voters.

5 (e) The maximum amount of the obligations, including the
6 anticipated interest, separately stating the total principal, the total
7 anticipated interest and the anticipated interest rate.

8 (f) The maximum number of years which the obligations are to
9 run.

10 (g) An estimate of the range of tax rates necessary to provide for
11 debt service upon the obligations for the dates when they are to be
12 redeemed. The municipality shall, for each such date, furnish an
13 estimate of the assessed value of the property against which the
14 obligations are to be issued or incurred, and the governing body
15 shall estimate the tax rate based upon the assessed value of the
16 property as given in the assessor's estimates.

17 2. If an operating or maintenance rate is proposed in
18 conjunction with the question to issue obligations, the questions
19 may be combined, but the sample ballot and notice of election must
20 each state the tax rate required for the obligations separately from
21 the rate proposed for operation and maintenance.

22 3. Any election called pursuant to NRS 350.020 to 350.070,
23 inclusive, may be consolidated with a primary or general municipal
24 election or a primary or general state election. The notice of
25 election need not set forth the places of holding the election, but
26 may instead state that the places of holding the election will be the
27 same as those provided for the election with which it is
28 consolidated.

29 4. If the election is a special election, the clerk shall cause
30 notice of the close of registration to be published in a newspaper
31 printed in and having a general circulation in the municipality once
32 in each calendar week for ~~two~~ 2 successive calendar weeks next
33 preceding the close of registration for the election.

34 Sec. 174. **1.** Sections 97, 108, 114, 119, **127.8**, 145, ~~146,~~
35 154, 162 and 167 of this act become effective at 12:01 a.m. on
36 October 1, 1997.

37 **2. Section 146 of this act becomes effective at 12:02 a.m. on**
38 **October 1, 1997.**

1 2. Chapter 686, Statutes of Nevada 1997, at page 3428, is hereby
2 amended by adding thereto a new section to be designated as section 33.1,
3 immediately following section 33, to read as follows:

4 Sec. 33.1. If a candidate whose name appears on the ballot at a
5 general city election dies within the periods set forth in section 62
6 of this act, the city clerk shall post a notice of the candidate's death
7 at each polling place where the candidate's name will appear on the
8 ballot.

9 3. Chapter 686, Statutes of Nevada 1997, at page 3436, is hereby
10 amended by adding thereto new sections to be designated as sections 57.1
11 to 57.85, inclusive, immediately following section 57, to read respectively
12 as follows:

13 Sec. 57.1. 1. If a request is made to vote early by a registered
14 voter in person, the city clerk shall issue a ballot for early voting to
15 the voter. Such a ballot must be voted on the premises of the clerk's
16 office and returned to the clerk. If the ballot is a paper ballot or a
17 ballot which is voted by punching a card, the clerk shall follow the
18 same procedure as in the case of absent ballots received by mail.

19 2. On the dates for early voting prescribed in section 57.2 of
20 this act, each city clerk shall provide a voting booth, with suitable
21 equipment for voting, on the premises of his office for use by
22 registered voters who are issued ballots for early voting in
23 accordance with this section.

24 Sec. 57.15. The city clerk may establish permanent polling
25 places for early voting by personal appearance at locations
26 designated by him throughout the city. Any person entitled to vote
27 early by personal appearance may do so at any polling place for
28 early voting.

29 Sec. 57.2. 1. The period for early voting by personal
30 appearance begins the third Saturday preceding a primary city
31 election or general city election, and extends through the Friday
32 before election day, Sundays and holidays excepted.

33 2. The city clerk may:

34 (a) Include any Sunday or holiday that falls within the period for
35 early voting by personal appearance.

36 (b) Require a permanent polling place for early voting to remain
37 open until 8 p.m. on any Saturday that falls within the period for
38 early voting.

39 3. A permanent polling place for early voting must remain
40 open:

41 (a) On Monday through Friday:

42 (1) During the first week of early voting, from 8 a.m. until 6
43 p.m.

1 (2) During the second week of early voting, from 8 a.m. until
2 6 p.m. or until 8 p.m. if the city clerk so requires.

3 (b) On any Saturday that falls within the period for early voting,
4 from 10 a.m. until 6 p.m.

5 (c) If the city clerk includes a Sunday that falls within the period
6 for early voting pursuant to subsection 2, during such hours as he
7 may establish.

8 Sec. 57.25. 1. In addition to permanent polling places for
9 early voting, the city clerk may establish temporary branch polling
10 places for early voting.

11 2. The provisions of subsection 3 of section 57.2 of this act do
12 not apply to a temporary polling place. Voting at a temporary
13 branch polling place may be conducted on any one or more days
14 and during any hours within the period for early voting by personal
15 appearance, as determined by the city clerk.

16 3. The schedules for conducting voting are not required to be
17 uniform among the temporary branch polling places.

18 4. The legal rights and remedies which inure to the owner or
19 lessor of private property are not impaired or otherwise affected by
20 the leasing of the property for use as a temporary branch polling
21 place for early voting, except to the extent necessary to conduct
22 early voting at that location.

23 Sec. 57.3. 1. The city clerk shall publish during the week
24 before the period for early voting and at least once each week
25 during the period for early voting in a newspaper of general
26 circulation a schedule stating:

27 (a) The location of each permanent and temporary polling place
28 for early voting and the election precincts served by each location.

29 (b) The dates and hours that early voting will be conducted at
30 each location.

31 2. The city clerk shall post a copy of the schedule on the
32 bulletin board used for posting notice of the meetings of the city
33 council. The schedule must be posted continuously for a period
34 beginning not later than the fifth day before the first day of the
35 period for early voting by personal appearance and ending on the
36 last day of that period.

37 3. The city clerk shall make copies of the schedule available to
38 the public in reasonable quantities without charge during the period
39 of posting.

40 4. No additional polling places for early voting may be
41 established after the schedule is published pursuant to this section.

1 Sec. 57.35. 1. The city clerk shall appoint for each polling
2 place for early voting a deputy clerk for early voting who must
3 serve as the election officer in charge of the polling place.

4 2. The city clerk may also appoint as many additional deputy
5 clerks as he deems necessary for the proper conduct of the election.

6 Sec. 57.4. If ballots which are voted on a mechanical recording
7 device which directly records the votes electronically are used
8 during the period for early voting by personal appearance, the
9 election board shall, before the polls open on each day during that
10 period:

11 1. Prepare each mechanical recording device for voting.

12 2. Ensure that each mechanical recording device will not
13 register any ballots which were previously voted on the mechanical
14 recording device as having been voted on that day.

15 Sec. 57.45. 1. Upon the appearance of a person to cast a
16 ballot for early voting, the deputy clerk for early voting shall:

17 (a) Determine that the person is a registered voter in the county;

18 (b) Instruct the voter to sign the roster for early voting; and

19 (c) Verify the signature of the voter against that contained on the
20 original application to register to vote or facsimile thereof, the card
21 issued to the voter at the time of registration or some other piece of
22 official identification.

23 2. The city clerk shall prescribe a procedure, approved by the
24 secretary of state, to determine that the voter has not already voted
25 pursuant to this section.

26 3. The roster for early voting must contain:

27 (a) The voter's name, the address where he is registered to vote,
28 his voter identification number and a place for the voter's signature;

29 (b) The voter's precinct or voting district number; and

30 (c) The date of voting early in person.

31 4. When a voter is entitled to cast his ballot and has identified
32 himself to the satisfaction of the deputy clerk for early voting, he is
33 entitled to receive the appropriate ballot or ballots, but only for his
34 own use at the polling place for early voting.

35 5. If the ballot is voted by punching a card, the deputy clerk for
36 early voting shall:

37 (a) Ensure that the voter's precinct or voting district and the
38 form of ballot are indicated on the card;

39 (b) Direct the voter to the appropriate mechanical recording
40 device for his form of ballot; and

41 (c) Allow the voter to place his voted ballot in the ballot box.

1 6. If the ballot is voted on a mechanical recording device which
2 directly records the votes electronically, the deputy clerk for early
3 voting shall:

- 4 (a) Prepare the mechanical recording device for the voter;
5 (b) Ensure that the voter's precinct or voting district and the
6 form of ballot are indicated on each part of the voting receipt;
7 (c) Retain one part of the voting receipt for the election board
8 and return the other part of the voting receipt to the voter; and
9 (d) Allow the voter to cast his vote.

10 7. A voter applying to vote early by personal appearance may
11 be challenged pursuant to section 34 of this act.

12 Sec. 57.5. 1. The ballot box for early voting in which voted
13 ballots which are paper ballots or ballots which are voted by
14 punching a card are deposited must have two locks, each with a
15 different key and must be designed and constructed so that the box
16 can be sealed to detect any unauthorized opening of the box and
17 that the ballot slot can be sealed to prevent any unauthorized
18 deposit in the box. The seals for the boxes must be serially
19 numbered for each election.

20 2. During the period for early voting by personal appearance,
21 the city clerk shall keep the key to one of the locks to the ballot box
22 for early voting and a designated custodian, not under the authority
23 of the city clerk, shall keep the key to the second lock.

24 3. Each custodian shall retain possession of the key entrusted to
25 him until it is delivered to the ballot board for early voting.

26 Sec. 57.55. 1. A plan for the security of ballots for early
27 voting must be submitted to the secretary of state for approval no
28 later than 90 days before the election at which early voting is to be
29 conducted.

30 2. At the close of early voting each day, the deputy clerk for
31 early voting shall secure each voting machine used for early voting
32 in a manner prescribed by the secretary of state so that its
33 unauthorized operation is prevented.

34 3. All materials for early voting must be delivered to the city
35 clerk's office at the close of voting on the last day for voting at the
36 polling place for early voting.

37 Sec. 57.6. 1. A ballot board for early voting must be
38 appointed by the city clerk to handle early voting ballots for that
39 city.

40 2. The board must consist of two co-chairmen who must be of
41 different political parties and at least two other members who may
42 be of the same political party as one of the co-chairmen but must
43 not be of the same political party as any other member.

1 Sec. 57.65. If paper ballots or ballots which are voted by
2 punching a card are used during the period for early voting by
3 personal appearance:

4 1. The ballots voted at the permanent or temporary polling
5 place must be delivered by an election board officer to the city
6 clerk's office at the close of each voting day. The seal on the ballot
7 box must indicate the number of voted ballots contained in that box
8 for that day.

9 2. When the ballot box is delivered pursuant to subsection 1,
10 the city clerk shall provide a new ballot box locked in the manner
11 prescribed in section 57.5 of this act.

12 3. At the close of the fourth voting day before the last day to
13 vote early and at the close of each of the 3 days thereafter, the city
14 clerk shall deliver all ballots voted to the ballot board for early
15 voting. At the close of the last voting day, the city clerk shall
16 deliver to the ballot board for early voting:

17 (a) Each remaining ballot box containing the ballots voted early
18 by personal appearance and his key to each box;

19 (b) A voting roster of all persons who voted early by personal
20 appearance; and

21 (c) Any list of registered voters used in conducting early voting.

22 4. Upon the call of the chairmen of the board, the custodian of
23 the key to the second lock on the ballot boxes shall deliver his key
24 for each box to the presiding officer.

25 5. Upon the receipt of ballots, the board shall:

26 (a) Remove all ballots from the ballot boxes and sort the ballots
27 by precinct or voting district;

28 (b) Count the number of ballots by precinct or voting district;

29 (c) Account for all ballots on an official statement of ballots; and

30 (d) Place all official ballots in the container provided to transport
31 those items to a central counting place and seal the container with a
32 numbered seal. The official statement of ballots must accompany
33 the voted ballots to the central counting place.

34 6. The city clerk shall allow members of the general public to
35 observe the handling of the ballots pursuant to subsection 5 if those
36 members do not interfere with the handling of the ballots.

37 Sec. 57.7. If ballots which are voted on a mechanical recording
38 device which directly records the votes electronically are used
39 during the period for early voting by personal appearance in an
40 election other than a presidential preference primary election:

41 1. At the close of each voting day the election board shall:

42 (a) Prepare and sign a statement for the polling place. The
43 statement must include:

- 1 (1) The title of the election;
- 2 (2) The number of the precinct or voting district;
- 3 (3) The number which identifies the mechanical recording
- 4 device and the storage device required pursuant to NRS 293B.084;
- 5 (4) The number of ballots voted on the mechanical recording
- 6 device for that day;
- 7 (5) The number of signatures in the roster for early voting for
- 8 that day; and
- 9 (6) The number of voting receipts retained pursuant to section
- 10 57.45 of this act for that day.
- 11 (b) Secure:
- 12 (1) The ballots pursuant to the plan for security required by
- 13 section 57.55 of this act; and
- 14 (2) Each mechanical voting device in the manner prescribed
- 15 by the secretary of state pursuant to section 57.55 of this act.
- 16 2. At the close of the last voting day, the city clerk shall deliver
- 17 to the ballot board for early voting:
- 18 (a) The statements for all polling places for early voting;
- 19 (b) The voting receipts retained pursuant to section 57.45 of this
- 20 act;
- 21 (c) The voting rosters used for early voting;
- 22 (d) The storage device required pursuant to NRS 293B.084 from
- 23 each mechanical recording device used during the period for early
- 24 voting; and
- 25 (e) Any other items as determined by the city clerk.
- 26 3. Upon receipt of the items set forth in subsection 2 at the
- 27 close of the last voting day, the ballot board for early voting shall:
- 28 (a) Sort the items by precinct or voting district;
- 29 (b) Count the number of ballots voted by precinct or voting
- 30 district;
- 31 (c) Account for all ballots on an official statement of ballots; and
- 32 (d) Place the items in the container provided to transport those
- 33 items to the central counting place and seal the container with a
- 34 numbered seal. The official statement of ballots must accompany
- 35 the items to the central counting place.
- 36 Sec. 57.75. 1. After 8 a.m. on election day, the appropriate
- 37 board shall count in public the returns for early voting.
- 38 2. The returns for early voting must not be reported until after
- 39 the polls have closed on election day.

1 3. The returns for early voting may be reported separately from
2 the regular votes of the precinct, unless reporting the returns
3 separately would violate the secrecy of the voter's ballot.

4 4. The city clerk shall develop a procedure to ensure that each
5 ballot is kept secret.

6 5. Any person who disseminates to the public information
7 relating to the count of returns for early voting before the polls
8 close is guilty of a gross misdemeanor.

9 Sec. 57.8. On election day the city clerk shall:

10 1. Ensure that each mechanical recording device used during
11 the period for early voting provides a record printed on paper of the
12 total number of votes recorded on the device for each candidate and
13 for or against each measure; and

14 2. Deliver to the central counting place:

15 (a) The items sorted and counted pursuant to subsection 3 of
16 section 57.7 of this act;

17 (b) The records printed on paper provided pursuant to subsection
18 1; and

19 (c) The storage device required pursuant to NRS 293B.084 from
20 each mechanical recording device used during the period for early
21 voting.

22 Sec. 57.85. 1. During the time a polling place for early
23 voting is open for voting, a person may not electioneer for or
24 against any candidate, measure or political party in or within 100
25 feet from the entrance to the voting area.

26 2. During the period of early voting, the city clerk shall keep
27 continuously posted:

28 (a) At the entrance to the room or area, as applicable, in which
29 the polling place for early voting is located, a sign on which is
30 printed in large letters "Polling Place for Early Voting"; and

31 (b) At the outer limits of the area within which electioneering is
32 prohibited, a sign on which is printed in large letters "Distance
33 Marker: No electioneering between this point and the entrance to
34 the polling place."

35 3. Ropes or other suitable objects may be used at the polling
36 place to ensure compliance with this section. Persons who are not
37 expressly permitted by law to be in a polling place must be
38 excluded from the polling place to the extent practicable.

39 4. Any person who willfully violates the provisions of this
40 section is guilty of a gross misdemeanor.

1 4. Chapter 686, Statutes of Nevada 1997, at page 3460, is hereby
2 amended by adding thereto new sections to be designated as sections 127.1
3 to 127.8, inclusive, immediately following section 127, to read respectively
4 as follows:

5 Sec. 127.1. NRS 293.356 is hereby amended to read as
6 follows:

7 293.356 1. If a request is made to vote early by a registered
8 voter in person, the county ~~for city~~ clerk shall issue a ballot for
9 early voting to the voter. Such a ballot must be voted on the
10 premises of the clerk's office and returned to the clerk. If the ballot
11 is a paper ballot or a ballot which is voted by punching a card, the
12 clerk shall follow the same procedure as in the case of absent
13 ballots received by mail.

14 2. On the dates for early voting prescribed in NRS 293.3568,
15 each county ~~for city~~ clerk shall provide a voting booth, with
16 suitable equipment for voting, on the premises of his office for use
17 by registered voters who are issued ballots for early voting in
18 accordance with this section.

19 Sec. 127.15. NRS 293.3564 is hereby amended to read as
20 follows:

21 293.3564 1. The county clerk may establish permanent
22 polling places for early voting by personal appearance at locations
23 designated by him throughout the county. Except as otherwise
24 provided in subsection 2, any person entitled to vote early by
25 personal appearance may do so at any polling place for early voting.

26 2. If it is impractical for the county clerk to provide at each
27 polling place for early voting a ballot in every form required in the
28 county, he may:

29 (a) Provide appropriate forms of ballots for all offices within a
30 township, city, town or county commissioner election district, as
31 determined by the county clerk; and

32 (b) Limit voting at that polling place to registered voters in that
33 township, city, town or county commissioner election district.

34 ~~[3.—The city clerk may establish permanent polling places for~~
35 ~~early voting by personal appearance at locations designated by him~~
36 ~~throughout the city. Any person entitled to vote early by personal~~
37 ~~appearance may do so at any polling place for early voting.]~~

38 Sec. 127.2. NRS 293.3568 is hereby amended to read as
39 follows:

40 293.3568 1. The period for early voting by personal
41 appearance begins the third Saturday preceding a primary or
42 general election ~~for a primary city election or general city~~

1 ~~election,~~ and extends through the Friday before election day,
2 Sundays and holidays excepted.

3 2. The county ~~for city~~ clerk may:

4 (a) Include any Sunday or holiday that falls within the period for
5 early voting by personal appearance.

6 (b) Require a permanent polling place for early voting to remain
7 open until 8 p.m. on any Saturday that falls within the period for
8 early voting.

9 3. A permanent polling place for early voting must remain
10 open:

11 (a) On Monday through Friday:

12 (1) During the first week of early voting, from 8 a.m. until 6
13 p.m.

14 (2) During the second week of early voting, from 8 a.m. until
15 6 p.m. or until 8 p.m. if the county ~~for city~~ clerk so requires.

16 (b) On any Saturday that falls within the period for early voting,
17 from 10 a.m. until 6 p.m.

18 (c) If the county clerk ~~for city clerk~~ includes a Sunday that falls
19 within the period for early voting pursuant to subsection 2, during
20 such hours as he may establish.

21 Sec. 127.25. NRS 293.3572 is hereby amended to read as
22 follows:

23 293.3572 1. In addition to permanent polling places for early
24 voting, the county ~~for city~~ clerk may establish temporary branch
25 polling places for early voting.

26 2. The provisions of subsection 3 of NRS 293.3568 do not
27 apply to a temporary polling place. Voting at a temporary branch
28 polling place may be conducted on any one or more days and
29 during any hours within the period for early voting by personal
30 appearance, as determined by the county ~~for city~~ clerk.

31 3. The schedules for conducting voting are not required to be
32 uniform among the temporary branch polling places.

33 4. The legal rights and remedies which inure to the owner or
34 lessor of private property are not impaired or otherwise affected by
35 the leasing of the property for use as a temporary branch polling
36 place for early voting, except to the extent necessary to conduct
37 early voting at that location.

38 Sec. 127.3. NRS 293.3576 is hereby amended to read as
39 follows:

40 293.3576 1. The county ~~for city~~ clerk shall publish during
41 the week before the period for early voting and at least once each
42 week during the period for early voting in a newspaper of general
43 circulation a schedule stating:

1 (a) The location of each permanent and temporary polling place
2 for early voting and the election precincts served by each location.

3 (b) The dates and hours that early voting will be conducted at
4 each location.

5 2. The county clerk shall post a copy of the schedule on the
6 bulletin board used for posting notice of meetings of the board of
7 county commissioners. ~~[The city clerk shall post a copy of the~~
8 ~~schedule on the bulletin board used for posting notice of the~~
9 ~~meetings of the city council.]~~ The schedule must be posted
10 continuously for a period beginning not later than the fifth day
11 before the first day of the period for early voting by personal
12 appearance and ending on the last day of that period.

13 3. The county ~~for city~~ clerk shall make copies of the schedule
14 available to the public in reasonable quantities without charge
15 during the period of posting.

16 4. No additional polling places for early voting may be
17 established after the schedule is published pursuant to this section.

18 Sec. 127.35. NRS 293.358 is hereby amended to read as
19 follows:

20 293.358 1. The county ~~for city~~ clerk shall appoint for each
21 polling place for early voting a deputy clerk for early voting who
22 must serve as the election officer in charge of the polling place.

23 2. The county ~~for city~~ clerk may also appoint as many
24 additional deputy clerks as he deems necessary for the proper
25 conduct of the election.

26 Sec. 127.4. NRS 293.3585 is hereby amended to read as
27 follows:

28 293.3585 1. Upon the appearance of a person to cast a ballot
29 for early voting, the deputy clerk for early voting shall:

30 (a) Determine that the person is a registered voter in the county;

31 (b) Instruct the voter to sign the roster for early voting; and

32 (c) Verify the signature of the voter against that contained on the
33 original application to register to vote or facsimile thereof, the card
34 issued to the voter at the time of registration or some other piece of
35 official identification.

36 2. The county ~~for city~~ clerk shall prescribe a procedure,
37 approved by the secretary of state, to determine that the voter has
38 not already voted pursuant to this section.

39 3. The roster for early voting must contain:

40 (a) The voter's name, the address where he is registered to vote,
41 his voter identification number and a place for the voter's signature;

42 (b) The voter's precinct or voting district number; and

43 (c) The date of voting early in person.

1 4. When a voter is entitled to cast his ballot and has identified
2 himself to the satisfaction of the deputy clerk for early voting, he is
3 entitled to receive the appropriate ballot or ballots, but only for his
4 own use at the polling place for early voting.

5 5. If the ballot is voted by punching a card, the deputy clerk for
6 early voting shall:

7 (a) Ensure that the voter's precinct or voting district and the
8 form of ballot are indicated on the card;

9 (b) Direct the voter to the appropriate mechanical recording
10 device for his form of ballot; and

11 (c) Allow the voter to place his voted ballot in the ballot box.

12 6. If the ballot is voted on a mechanical recording device which
13 directly records the votes electronically, the deputy clerk for early
14 voting shall:

15 (a) Prepare the mechanical recording device for the voter;

16 (b) Ensure that the voter's precinct or voting district and the
17 form of ballot are indicated on each part of the voting receipt;

18 (c) Retain one part of the voting receipt for the election board
19 and return the other part of the voting receipt to the voter; and

20 (d) Allow the voter to cast his vote.

21 7. A voter applying to vote early by personal appearance may
22 be challenged pursuant to NRS 293.303.

23 Sec. 127.45. NRS 293.359 is hereby amended to read as
24 follows:

25 293.359 1. The ballot box for early voting in which voted
26 ballots which are paper ballots or ballots which are voted by
27 punching a card are deposited must have two locks, each with a
28 different key and must be designed and constructed so that the box
29 can be sealed to detect any unauthorized opening of the box and
30 that the ballot slot can be sealed to prevent any unauthorized
31 deposit in the box. The seals for the boxes must be serially
32 numbered for each election.

33 2. During the period for early voting by personal appearance,
34 the county ~~for city~~ clerk shall keep the key to one of the locks to
35 the ballot box for early voting and a designated custodian, not under
36 the authority of the county ~~for city~~ clerk, shall keep the key to the
37 second lock.

38 3. Each custodian shall retain possession of the key entrusted to
39 him until it is delivered to the ballot board for early voting.

1 Sec. 127.5. NRS 293.3594 is hereby amended to read as
2 follows:

3 293.3594 1. A plan for the security of ballots for early voting
4 must be submitted to the secretary of state for approval no later than
5 90 days before the election at which early voting is to be conducted.

6 2. At the close of early voting each day, the deputy clerk for
7 early voting shall secure each voting machine used for early voting
8 in a manner prescribed by the secretary of state so that its
9 unauthorized operation is prevented.

10 3. All materials for early voting must be delivered to the county
11 clerk's office ~~for the city clerk's office~~ at the close of voting on the
12 last day for voting at the polling place for early voting.

13 Sec. 127.55. NRS 293.3598 is hereby amended to read as
14 follows:

15 293.3598 1. A ballot board for early voting must be
16 appointed by the county clerk to handle early voting ballots for that
17 county. ~~[A ballot board for early voting must be appointed by the~~
18 ~~city clerk to handle early voting ballots for that city.~~

19 ~~2. Each ballot]~~

20 2. **The** board must consist of two co-chairmen who must be of
21 different political parties and at least two other members who may
22 be of the same political party as one of the co-chairmen but must
23 not be of the same political party as any other member.

24 Sec. 127.6. NRS 293.3602 is hereby amended to read as
25 follows:

26 293.3602 If paper ballots or ballots which are voted by
27 punching a card are used during the period for early voting by
28 personal appearance:

29 1. The ballots voted at the permanent or temporary polling
30 place must be delivered by an election board officer to the county
31 clerk's office ~~for the city clerk's office~~ at the close of each voting
32 day. The seal on the ballot box must indicate the number of voted
33 ballots contained in that box for that day.

34 2. When the ballot box is delivered pursuant to subsection 1,
35 the county ~~for city~~ clerk shall provide a new ballot box locked in
36 the manner prescribed in NRS 293.359.

37 3. At the close of the fourth voting day before the last day to
38 vote early and at the close of each of the 3 days thereafter, the
39 county ~~for city~~ clerk shall deliver all ballots voted to the ballot
40 board for early voting. At the close of the last voting day, the
41 county ~~for city~~ clerk shall deliver to the ~~appropriate~~ ballot board
42 for early voting:

1 (a) Each remaining ballot box containing the ballots voted early
2 by personal appearance and his key to each box;

3 (b) A voting roster of all persons who voted early by personal
4 appearance; and

5 (c) Any list of registered voters used in conducting early voting.

6 4. Upon the call of the chairmen of the board, the custodian of
7 the key to the second lock on the ballot boxes shall deliver his key
8 for each box to the presiding officer.

9 5. Upon the receipt of ballots, the board shall:

10 (a) Remove all ballots from the ballot boxes and sort the ballots
11 by precinct or voting district;

12 (b) Count the number of ballots by precinct or voting district;

13 (c) Account for all ballots on an official statement of ballots; and

14 (d) Place all official ballots in the container provided to transport
15 those items to a central counting place and seal the container with a
16 numbered seal. The official statement of ballots must accompany
17 the voted ballots to the central counting place.

18 6. The county ~~for city~~ clerk shall allow members of the general
19 public to observe the handling of the ballots pursuant to subsection
20 5 if those members do not interfere with the handling of the ballots.

21 Sec. 127.65. NRS 293.3604 is hereby amended to read as
22 follows:

23 293.3604 If ballots which are voted on a mechanical recording
24 device which directly records the votes electronically are used
25 during the period for early voting by personal appearance in an
26 election other than a presidential preference primary election:

27 1. At the close of each voting day the election board shall:

28 (a) Prepare and sign a statement for the polling place. The
29 statement must include:

30 (1) The title of the election;

31 (2) The number of the precinct or voting district;

32 (3) The number which identifies the mechanical recording
33 device and the storage device required pursuant to NRS 293B.084;

34 (4) The number of ballots voted on the mechanical recording
35 device for that day;

36 (5) The number of signatures in the roster for early voting for
37 that day; and

38 (6) The number of voting receipts retained pursuant to NRS
39 293.3585 for that day.

40 (b) Secure:

41 (1) The ballots pursuant to the plan for security required by
42 NRS 293.3594; and

1 (2) Each mechanical voting device in the manner prescribed
2 by the secretary of state pursuant to NRS 293.3594.

3 2. At the close of the last voting day, the county ~~for city~~ clerk
4 shall deliver to the ~~appropriate~~ ballot board for early voting:

- 5 (a) The statements for all polling places for early voting;
6 (b) The voting receipts retained pursuant to NRS 293.3585;
7 (c) The voting rosters used for early voting;
8 (d) The storage device required pursuant to NRS 293B.084 from
9 each mechanical recording device used during the period for early
10 voting; and

11 (e) Any other items as determined by the county ~~for city~~ clerk.

12 3. Upon receipt of the items set forth in subsection 2 at the
13 close of the last voting day, the ballot board for early voting shall:

- 14 (a) Sort the items by precinct or voting district;
15 (b) Count the number of ballots voted by precinct or voting
16 district;
17 (c) Account for all ballots on an official statement of ballots; and
18 (d) Place the items in the container provided to transport those
19 items to the central counting place and seal the container with a
20 numbered seal. The official statement of ballots must accompany
21 the items to the central counting place.

22 Sec. 127.7. NRS 293.3606 is hereby amended to read as
23 follows:

24 293.3606 1. After 8 a.m. on election day, the appropriate
25 board shall count in public the returns for early voting.

26 2. The returns for early voting must not be reported until after
27 the polls have closed on election day.

28 3. The returns for early voting may be reported separately from
29 the regular votes of the precinct, unless reporting the returns
30 separately would violate the secrecy of the voter's ballot.

31 4. The county ~~for city~~ clerk shall develop a procedure to
32 ensure that each ballot is kept secret.

33 5. Any person who disseminates to the public information
34 relating to the count of returns for early voting before the polls
35 close is guilty of a gross misdemeanor.

36 Sec. 127.75. NRS 293.3608 is hereby amended to read as
37 follows:

38 293.3608 On election day the county ~~for city~~ clerk shall:

- 39 1. Ensure that each mechanical recording device used during
40 the period for early voting provides a record printed on paper of the
41 total number of votes recorded on the device for each candidate and
42 for or against each measure; and

1 2. Deliver to the central counting place:

2 (a) The items sorted and counted pursuant to subsection 3 of
3 NRS 293.3604;

4 (b) The records printed on paper provided pursuant to subsection
5 1; and

6 (c) The storage device required pursuant to NRS 293B.084 from
7 each mechanical recording device used during the period for early
8 voting.

9 Sec. 127.8. NRS 293.361 is hereby amended to read as
10 follows:

11 293.361 1. During the time a polling place for early voting is
12 open for voting, a person may not electioneer for or against any
13 candidate, measure or political party in or within 100 feet from the
14 entrance to the voting area.

15 2. During the period of early voting, the county ~~for city~~ clerk
16 shall keep continuously posted:

17 (a) At the entrance to the room or area, as applicable, in which
18 the polling place for early voting is located, a sign on which is
19 printed in large letters “Polling Place for Early Voting”; and

20 (b) At the outer limits of the area within which electioneering is
21 prohibited, a sign on which is printed in large letters “Distance
22 Marker: No electioneering between this point and the entrance to
23 the polling place.”

24 3. Ropes or other suitable objects may be used at the polling
25 place to ensure compliance with this section. Persons who are not
26 expressly permitted by law to be in a polling place must be
27 excluded from the polling place to the extent practicable.

28 4. Any person who willfully violates the provisions of this
29 section is guilty of a gross misdemeanor.

30 5. Chapter 686, Statutes of Nevada 1997, at page 3482, is hereby
31 amended by adding thereto a new section to be designated as section 171.1,
32 immediately following section 171, to read as follows:

33 Sec. 171.1. Section 6 of chapter 355, Statutes of Nevada 1997,
34 at page 1292, is hereby amended to read as follows:

35 Sec. 6. Chapter 293 of NRS is hereby amended by adding
36 thereto a new section to read as follows:

37 If a candidate whose name appears on the ballot at a general
38 election ~~for general city election~~ dies within the periods set forth
39 in NRS 293.368, the county ~~for city~~ clerk shall post a notice of
40 the candidate’s death at each polling place where the candidate’s
41 name will appear on the ballot.

- 1 **Sec. 120.** Section 27 of chapter 480, Statutes of Nevada
2 1997, at page 1854, and section 321 of chapter 482, Statutes of
3 Nevada 1997, at page 2015, are hereby repealed.
4 **Sec. 121.** This act becomes effective upon passage and approval.
-

TEXT OF REPEALED SECTIONS

Section 27 of chapter 480, Statutes of Nevada 1997:

Sec. 27. 1. *On or before November 15 of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the superintendent of public instruction and the director of the legislative counsel bureau for transmission to the majority leader of the senate and the speaker of the assembly a report that includes:*

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each licensed employee and nonlicensed teacher employed at the charter school on October 1 of that year:

(1) The amount of salary of the employee; and

(2) The designated assignment, as that term is defined by the department, of the employee.

(c) The count of pupils who are enrolled in a charter school in:

(1) Kindergarten;

(2) Grades 1 to 12, inclusive; and

(3) Special education pursuant to NRS 388.440 to 388.520, inclusive.

(d) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(e) The proposed expenditures of the charter school for the current fiscal year.

2. *On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each governing body pursuant to subsection 1.*

3. The superintendent of public instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the state distributive school account for the preceding year.

Section 321 of chapter 482, Statutes of Nevada 1997:

Sec. 321. As used in NRS 597.440 and sections 321 to 325, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 322 and 323 of this act, have the meanings ascribed to them in those sections.

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