

Senate Bill No. 453—Committee on Judiciary

CHAPTER.....

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

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

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

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

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

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

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

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

116.2117 1. Except in cases of amendments that may be executed by a declarant under subsection 6 of NRS 116.2109 or NRS 116.211, or by the association under NRS 116.1107, subsection 4 of NRS 116.2106, subsection 3 of NRS 116.2108, subsection 1 of NRS 116.2112 or NRS 116.2113, or by certain units' owners under subsection 2 of NRS 116.2108, subsection 1 of NRS 116.2112, subsection 2 of NRS 116.2113 or subsection 2 of NRS 116.2118, and except as limited by subsection 4, the declaration, including any plats and plans, may be amended only by vote or agreement of units' owners of units to which at least a majority of the votes in the association are allocated, or any larger majority the declaration specifies. The declaration may specify a smaller number only if all of the units are restricted exclusively to nonresidential use.

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

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

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

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

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

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

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

(a) If the value of the thing or labor fraudulently obtained was \$250 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

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

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

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

(b) Rent; or

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

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

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

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

1. If the value of the property, rent or labor fraudulently obtained was \$250 or more, *as a category B felony* by imprisonment in the state prison for *a minimum term of* not less than 1 year ~~nor~~ *and a maximum term of not* more than ~~10~~ 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

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

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

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

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

277.185 1. The agencies of this state, and the local governments within this state, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the department of taxation,

the employment security division of the department of employment, training and rehabilitation, the state department of conservation and natural resources, the state industrial insurance system, and the counties and cities that require a business license.

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

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

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

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

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

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

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

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

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

Sec. 17.3. *1. There is hereby established as a special revenue 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Regulate insurers pursuant to chapters 616A to 617, inclusive, of NRS ~~{and investigate}~~ ; **and**

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

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

(a) Self-insured employers pursuant to NRS 616B.300 to 616B.330, inclusive, **and** 616B.336 ~~{}~~ ;

(b) Associations of self-insured public or private employers pursuant to NRS 616B.350 to 616B.446, inclusive ; ~~{}~~ **and**

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

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

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

5. The division is responsible for the investigation of complaints. If a complaint is filed with the division, the

administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons. If the administrator determines that a violation may have occurred, the administrator shall proceed in accordance with the provisions of NRS 616D.120 and 616D.130.

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

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

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

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

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

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

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

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

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

(a) Before entering this state; or

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

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

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

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

205.275 1. A person ~~who,~~ *commits an offense involving stolen property if the person,* for his own gain ~~to~~ or to prevent the owner from again possessing his property, buys, receives, possesses or withholds ~~stolen goods, or anything the stealing of which is~~

~~declared to be larceny, or property obtained by robbery, burglary or embezzlement;]~~ **property:**

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

(b) Under such circumstances as should have caused a reasonable person to know that ~~[the goods or property were so obtained;~~
~~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 1 year and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment. Every such person may be tried, convicted and punished as well before as after the trial of the principal.]~~ **it is stolen property.**

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

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

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

(c) If the value of the property is \$2,500 or more or if the property is a firearm, 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 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

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

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

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

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

~~—4.—If the thing bought, received, possessed or withheld is a firearm, regardless of its value, the person convicted of the offense specified in this section 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 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.]~~

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

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

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

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

104.8206 1. If a ~~[certificated]~~ security *certificate* contains the signatures necessary to its issue or transfer but is incomplete in any other respect:

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

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

2. A complete ~~[certificated]~~ security *certificate* that has been improperly altered, even though fraudulently, remains enforceable, but only according to its original terms.

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

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

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

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

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

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

14.030 1. If any such company, association or municipal corporation ~~[shall fail]~~ *fails* to appoint ~~[such]~~ *a resident* agent, or ~~[fail]~~ *fails* to file ~~[such]~~ *a certificate of acceptance of appointment* for 30 days after a vacancy occurs in such agency, on the production of a certificate of the secretary of state showing either fact, which certificate ~~[shall be]~~ *is* conclusive evidence of the fact so certified to be made a part of the return of service, ~~[it shall be]~~

~~lawful to serve such~~ **the** company, association or municipal corporation **may be served** with any and all legal process by delivering a copy to the secretary of state, or, in his absence, to any ~~{duly appointed and acting}~~ deputy secretary of state, and such service ~~{shall be}~~ **is** valid to all intents and purposes. **The copy must:**

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

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

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

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

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

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

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

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

Sec. 11. NRS 632.320 is hereby amended to read as follows:

632.320 The board may deny, revoke or suspend any license **or certificate** applied for or issued pursuant to this chapter, or

take other disciplinary action against a licensee ~~{}~~ *or holder of a certificate*, upon determining that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license *or certificate* pursuant to this chapter.
2. Is guilty of a felony or any offense ~~{involving}~~ :
 - (a) *Involving* moral turpitude ~~{}~~ ; *or*
 - (b) *Related to the qualifications, functions or duties of a licensee or holder of a certificate*,in which case the record of conviction is conclusive evidence thereof.
3. Has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640 or 616.675 to 616.700, inclusive.
4. Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.
5. ~~{Is habitually intemperate or is addicted to the use of any controlled substance.}~~ *Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his ability to conduct the practice authorized by his license or certificate.*
6. Is mentally incompetent.
7. Is guilty of unprofessional conduct, which includes , but is not limited to , the following:
 - (a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.
 - (b) ~~{Procuring, or aiding, abetting, attempting, agreeing or offering to procure or assist at, a criminal abortion.}~~
 - ~~-(c)}~~ Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license ~~{}~~
 - ~~-(d)}~~ *or certificate.*
 - (c) Impersonating another licensed practitioner ~~{}~~
 - ~~-(e)}~~ *or holder of a certificate.*
 - (d) Permitting or allowing another person to use his *license or certificate* ~~{for the purpose of nursing the sick or afflicted.}~~
 - ~~-(f)}~~ *to practice as a licensed practical nurse, registered nurse or nursing assistant.*
 - (e) Repeated malpractice, which may be evidenced by claims of malpractice settled against him.
 - (f) *Physical, verbal or psychological abuse of a patient.*
 - (g) *Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.*

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

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

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

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

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

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

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

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

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

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

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

2. The board shall ~~give immediate notice in writing of the ruling or decision to:~~
~~—(a) The applicant, licensee or holder of the certificate affected thereby.~~

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

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

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

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

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

2. NRS 632.323 is hereby repealed.

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

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

Sec. 7. *In addition to the authority given the manager to determine and fix premium rates of employers pursuant to NRS 616.395 to 616.405, inclusive, the manager may by regulation establish a plan for classifying employers insured by the system who, because of the risks inherent in the businesses in which the employers are engaged, are reasonably likely to incur a 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.

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

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

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

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

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

3. Except as otherwise provided in this subsection, any employer by agreement in writing with the manager 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 established by the manager.

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

5. 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 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 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 this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 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 ~~95.1~~ **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.*

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

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

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

6. *The administrator shall adopt regulations for the establishment and administration of assessment rates, payments and penalties. Assessment rates must reflect the relative hazard of the employments covered by private carriers and must be based upon expected annual expenditures for claims for payments from the subsequent injury fund for*

private carriers. The system must not be required to pay any assessments, payments or penalties into the subsequent injury fund for private carriers, or any costs associated with the fund.

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

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

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

2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the subsequent injury fund for private carriers in accordance with regulations adopted by the administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The insurer, or in the case of claims involving the uninsured employer's claim fund or ~~the~~ a subsequent injury fund the administrator, has a lien upon the total amount paid by the employer if the injured employee or his dependents receive compensation pursuant to the provisions of this chapter.

This subsection is applicable whether the money paid to the employee or his dependents by the employer is classified as a gift, a settlement or otherwise. The provisions of this subsection do not grant to an injured employee any right of action in tort to recover damages from his employer for his injury.

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

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

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

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

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

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

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

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

6. The lien provided for under subsection 1 or 5 includes the total compensation expenditure incurred by the insurer, the

uninsured employers' claim fund or ~~the~~ a subsequent injury fund for the injured employee and his dependents.

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

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

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

(b) The third-party insurer,

shall notify the insurer, or in the case of claims involving the uninsured employers' claim fund or a subsequent injury fund the administrator, of the recovery and pay to the insurer or the administrator, respectively, the amount due under this section together with an itemized statement showing the distribution of the total recovery. The attorney or representative of the injured employee or his dependents and the third-party insurer are jointly and severally liable for any amount to which an insurer is entitled pursuant to this section if the attorney, representative or third-party insurer has knowledge of the lien provided for in this section.

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

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

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

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

11. For the purposes of calculating an employer's premium, the employer's account with the system must be credited with an amount equal to that recovered by the system from a third party pursuant to this section, less the system's share of the expenses of litigation incurred in obtaining the recovery, except that the total credit must not exceed the amount of compensation actually paid or reserved by the system on the injured employee's claim.

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

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

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

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

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

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

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

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

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

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

Sec. 88. 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.

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

~~—3.—Except as otherwise provided in this subsection, any]~~
Any employer by agreement in writing with the manager 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.]~~ 3. Failure of any employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager 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 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.}~~ 5. The manager 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 this chapter as otherwise provided in this chapter.

~~{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 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 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. 12. 1. Section 6 of chapter 214, Statutes of Nevada 1997, at page 745, is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this Title, the provisions of this Title are not applicable to any health maintenance organization granted a

certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this Title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Chapter 214, Statutes of Nevada 1997, at page 746, is hereby amended by adding thereto a new section to be designated as section 8, immediately following section 7, to read as follows:
Sec. 8. Section 5.1 of this act becomes effective at 12:02 a.m. on October 1, 1997.

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

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

62.226 1. Except as otherwise provided in subsection 3 ~~{and NRS 62.227, whenever any}~~, **whenever a** child is found to have committed the unlawful act of ~~1:~~
~~—(a) Using, possessing, selling or distributing a controlled substance;~~
~~—(b) Purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020; or~~
~~—(c) Placing}~~ **placing** graffiti on or otherwise defacing the public or private property, real or personal, of another, in violation of NRS 206.125 or 206.330, the judge, or his authorized representative, may, if the child possesses a driver's license, issue an order suspending the ~~{child's}~~ driver's license **of the child** for **at least 90 days but** not more than 2 years. If such an order is issued, the judge shall require the child to surrender **his driver's license** to the court . ~~{all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order.}~~

2. If the child does not possess a driver's license and the child is or will be eligible to ~~{apply for}~~ **receive** a driver's license within the 2 years immediately following the date of the order, the judge, or his authorized representative, may issue an order prohibiting the 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

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

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

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

(b) Machine gun or a silencer.

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

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

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

4. Except as otherwise provided in this subsection and NRS 202.3653 to 202.369, inclusive, the sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which a concealed weapon is to be carried, issue a permit authorizing the applicant to carry in this state the concealed

weapon described in the permit. The sheriff shall not issue a permit to a person to carry a switchblade knife.

5. *This section does not apply to:*

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

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

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

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

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

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

8. As used in this section:

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

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

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

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

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

~~(d)~~ (f) *“Switchblade knife” means a spring-blade knife, snap-blade knife or any other knife having the appearance of a pocket knife, any blade of which is 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle*

or other mechanical device, or is released by any type of mechanism.

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

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

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

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

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

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

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.

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

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

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

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

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

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

(a) Name and sample signature of holder.

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

(c) Personal description.

(d) Date of birth.

(e) Current address in this state.

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

4. At the time of the issuance of the identification card, the department shall give the holder the opportunity to indicate on his

identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection

fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

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

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

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

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

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

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

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice's court or district

court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the state treasury. The court administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this state.

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

Sec. 19. Chapter 284, Statutes of Nevada 1997, at page 972, 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. NRS 396.360 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

666.405 1. Except as otherwise provided in this section, an out-of-state depository institution without a branch in Nevada, or an out-of-state holding company without a depository institution in Nevada, may acquire a Nevada depository institution and convert the institution to a branch of the out-of-state depository institution or depository institution of the out-of-state holding company. If the Nevada depository institution is chartered after September 28,

1995, the Nevada depository institution may be so acquired only if 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, association, partnership or corporation in connection with a

business conducted for profit or as a residence, or both, the leasehold interest, possessory interest, beneficial interest or beneficial use of the lessee or user of the property is subject to taxation to the extent the:

- (a) Portion of the property leased or used; and
- (b) Percentage of time during the fiscal year that the property is leased by the lessee or used by the user,

can be segregated and identified. The taxable value of the interest or use must be determined in the manner provided in subsection 3 of NRS 361.227.

2. Subsection 1 does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) For life without the possibility of parole;

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

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

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

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

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

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

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

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

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

~~—(1) Life}~~ :

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

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

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

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

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

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

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

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

(c) A full disclosure of the terms of all pertinent understandings and agreements existing or proposed among any persons or entities

so associated or to be associated, and a copy of each such agreement;

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

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

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

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

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

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

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

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

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

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

(b) A person who is employed by:

(1) Current members of an association; or

(2) Employers that are considering membership in an association,

whose primary duties do not include solicitation of potential members of the association.

Sec. 23. 1. This section and sections 2, ~~[3,]~~ 5 to 12, inclusive, and 14 to 22, inclusive, become effective on October 1, 1997.

2. ~~[Section]~~ **Sections 3 and** 4 of this act ~~[becomes]~~ **become** effective at 12:01 a.m. on October 1, 1997.

3. Sections 1 and 13 of this act become effective on July 1, 1998.

Sec. 24. Section 1 of chapter 330, Statutes of Nevada 1997, at page 1224, is hereby amended to read as follows:

Section 1. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, only a public agency may exercise the power of eminent domain pursuant to the provisions of this chapter.

2. Except as otherwise provided in section 23 of Senate Bill No. 314 of this session, the power of eminent domain may be exercised by a person who is not a public agency pursuant to NRS 37.230 and subsections 6, 8, 10, 13 and 16 of NRS 37.010.

3. As used in this section, "public agency" means an agency or political subdivision of this state or the United States.

Sec. 25. Section 2 of chapter 331, Statutes of Nevada 1997, at page 1225, is hereby amended to read as follows:

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

213.400 **1.** If an offender is absent, without authorization, from his residence, employment, treatment, including, but not limited to, medical treatment, or any other activity authorized by the division ~~;~~

~~1. He]~~, **he** shall be deemed an escaped prisoner ~~;~~ and **shall be punished as provided in NRS 212.090.**

2. The chief parole and probation officer may issue a warrant for ~~[his arrest. A peace officer shall execute]~~ the **arrest of the offender. The** warrant **must be executed by a peace officer** in the same manner as ordinary criminal process.

Sec. 26. Section 6 of chapter 345, Statutes of Nevada 1997, at page 1265, is hereby amended to read as follows:

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

361A.031 **1.** "Converted to a higher use" means:

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

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

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

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

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

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

4. As used in this section

:

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

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

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

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

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

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

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

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

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

~~—(b) Any} ;~~

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

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

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

(3) Regulating or prohibiting the use, possession, manufacture or compounding of tear gas, or any other gas, ~~{which}~~ **that** may be used to disable temporarily or permanently ~~{any}~~ **a** human being ~~{,}~~ ~~—(c) Any person convicted of a crime in the State of Nevada pursuant to the provisions of NRS 122.220, 201.120 to 201.170, inclusive, 201.249, 201.251, 201.270, 201.360 to 201.400,~~

~~inclusive, 201.420, 202.040, 202.055, 202.200 to 202.230, inclusive, 202.2493, 212.170, 212.180, 433.564, 451.010 to 451.040, inclusive, 452.300, 465.070 to 465.085, inclusive, 646.010 to 646.060, inclusive, or 647.110 to 647.145, inclusive, or chapter 462 of NRS, or convicted in any place other than the State of Nevada of an offense which, if committed in this state, would have been punishable under one or more of those sections.~~

~~—(d) Any] ; or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Any other information required by the department.

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

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

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

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

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

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

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

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

2. The regulations must contain:

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

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

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

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

3. *The regulations must:*

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

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

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

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

Sec. 2. NRS 483.810 is hereby amended to read as follows:
483.810 The legislature finds and declares that:

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

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

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

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

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

483.820 1. A person who ~~{makes an application pursuant to this chapter who:~~
~~—(a) Is a}~~ *applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, is entitled to receive an identification card if he is:*

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

(b) ~~His-a~~ A seasonal resident who does not hold a valid Nevada driver's license . ~~is~~

~~is entitled to receive an identification card.~~

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

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

An original or duplicate identification card issued to a person under 18 years of age3

An original or duplicate identification card issued to any other person.....9

A new photograph ~~is~~ or change of name, ~~change of other information, except address, or any combination~~ or both4

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

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

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

(a) The applicant's full name.

(b) His social security number, if any.

(c) His date of birth.

(d) His state of legal residence.

(e) His current address in this state, unless the applicant is on active duty in the military service of the United States.

(f) A statement from:

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

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

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

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

4. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the department the driver's license or identification card issued

by the other state or jurisdiction at the time he applies for an identification card pursuant to this section.

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

483.870 1. An identification card that is issued to:

(a) A seasonal resident remains valid so long as the person does not become licensed in Nevada to drive a motor vehicle and the facts and circumstances declared in the application and stated ~~in~~ *on* the card do not change. An identification card must be surrendered by a seasonal resident upon issuance of a Nevada driver's license.

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

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

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

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

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

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

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

(b) In a county whose population is more than 400,000, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each \$500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as 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. 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. The expenses authorized by subsection 3 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.*

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

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

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

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

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

(b) In a county whose population is more than 400,000, an amount equal to that portion of the proceeds which is equivalent to 60 cents for each \$500 of value or fraction thereof must be transmitted to the county treasurer for deposit in the county school district's fund for capital projects established pursuant to

NRS 387.328, to be held and expended in the same manner as 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.
- (b) Caused by the employee's willful intention to injure another

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

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

2. For the purposes of paragraphs (c) and (d) ~~1, the~~ of subsection 1:

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

~~12.1~~ (b) When an examination requested or ordered includes testing for the use of alcohol or a controlled substance:

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

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

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

~~13.1~~ 4. If any employee persists in an unsanitary or injurious practice that imperils or retards his recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his recovery, his compensation may be reduced or suspended.

~~14.1~~ 5. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of his employment; and

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

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

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

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

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

(a) The quantity of the purported controlled substance; or
(b) The amount of alcohol or the presence or absence of a controlled substance, chemical, poison or organic solvent, as the case may be,
is admissible in the manner provided in this section.

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

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

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

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

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

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

1. The affidavit of a chemist and any other person who has qualified in the district court of any county to testify as an expert witness regarding the presence in the breath, blood or urine of a person of alcohol, a controlled substance, or a

chemical, poison or organic solvent, or the identity or quantity of a controlled substance alleged to have been in the possession of a person, which is submitted to prove:

*(a) The quantity of the purported controlled substance; or
(b) The amount of alcohol or the presence or absence of a controlled substance, chemical, poison or organic solvent, as the case may be,
is admissible in the manner provided in this section.*

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

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

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

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

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

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

616A.470 1. Except as otherwise provided in subsection 2, each self-insured employer, ~~and~~ association of self-insured public or private employers *and private carrier* shall compensate the system, the office of the Nevada attorney for injured workers or the hearings division of the department of administration, as appropriate, for all services which the system, the occupational safety and health review board, the Nevada attorney for injured workers, the mediators and the appeals officers provide to those employers. ~~if the rate is established by a regulation of the system.~~ The cost of any service ~~for which a rate is not established by regulation~~ must be negotiated by the employer, ~~or~~ association *or private carrier* and the system, the Nevada attorney for injured workers or the division, as appropriate, before the employer, ~~or~~ association *or private carrier* is charged for the service.

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

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

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

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

3. If an insurer or employer intends to cancel or renew a policy of insurance issued by the insurer pursuant to chapters 616A to 617, inclusive, of NRS, the insurer or employer must give notice to that effect in writing to the administrator and to 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 ~~[,]~~ before a hearing officer or an appeals officer pursuant to NRS 616C.315 or 616C.345.

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

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

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

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

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

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

616B.224 1. Every employer ~~{insured by the system}~~ *who is not a self-insured employer or a member of an association of self-insured public or private employers* shall, at intervals established by ~~{the manager,}~~ *his insurer*, furnish the ~~{system}~~ *insurer* 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,}~~ *commissioner*, together with the premium due thereon. The payroll and premium must be furnished to the ~~{system}~~ *insurer* on or before the date established by the ~~{manager}~~ *insurer* for the receipt of the payroll and premium.

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

~~—3.— Except as otherwise provided in this subsection, any~~ *Any* employer by agreement in writing with the ~~{manager}~~ *insurer* 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}~~ *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.**

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

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

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

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

4. If the private carrier requests a hearing
:

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

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

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

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

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

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

616C.255 1. The system *and each private carrier* shall 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.

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

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

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

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

9. The reappearance of the injured employee after his claim has been closed does not automatically reinstate his eligibility for vocational rehabilitation benefits. If the employee wishes to reestablish his eligibility for such benefits, he must file a written application with the insurer to reinstate his claim. The insurer shall

reinstate the employee's claim if good cause is shown for the employee's absence.

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

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

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

2. If the tax is not paid by the insurer on or before the date required for payment, the tax then becomes delinquent, and payment thereof may be enforced by court action instituted on behalf of the state by the attorney general. The attorney general may employ additional counsel in the city where the home office of the insurer is located, subject to approval of compensation for such services by the state board of examiners. The administrative and substantive enforcement provisions of chapters 360 and 372 of NRS apply to the enforcement of the taxes imposed under NRS 680B.027.

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

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

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

6. *The taxes collected pursuant to NRS 680B.027 from insurers that are writing industrial insurance in this state, including the state industrial insurance system, which are attributable to industrial insurance must be promptly deposited with the state treasurer for credit to the account for the administration of extended claims established in the state insurance fund pursuant to section 9 of chapter 410, Statutes of Nevada 1997, until the commissioner notifies the state*

treasurer that the balance in the account is sufficient to satisfy all obligations and liabilities of the account as they become due. Upon receipt of such a notice, the state treasurer shall discontinue depositing the taxes in the account and shall deposit the taxes collected from these insurers for credit to the state general fund.

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

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

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

Sec. 154. *The advisory organization may:*

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

12. Assist an individual insurer to develop rates, supplementary rate information or other supporting information if authorized to do so by the insurer.

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

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

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

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

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

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

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

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

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

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

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

Sec. 162. *1. Each insurer shall file with the commissioner all the rates and supplementary rate information, except for the information filed by the advisory organization, at least 60 days before the rates become effective. If the information supplied by an insurer pursuant to this subsection is insufficient, the commissioner shall notify the insurer and the information shall be deemed to be filed when*

all the information requested by the commissioner is received by him.

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

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

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

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

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

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

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

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

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

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

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

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

2. The commissioner shall disapprove a rate if:

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

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

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

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

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

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

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

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

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

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

Sec. 4.1. Section 81 of chapter 410, Statutes of Nevada 1997, at page 1457, is hereby amended to read as follows:

Sec. 81. 1. This section and sections 3 to 10, inclusive, 12, 13, 15, 15.5, 16, 17, 20, 21, 22, 27, 28, 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, 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 64, 66, 68, 71, 73 and 75 of this act become effective on July 1, 2003.

Sec. 4.2. Section 56 of chapter 410, Statutes of Nevada 1997, at page 1445, is hereby repealed.

Sec. 37. 1. Sections 2 and 4 of chapter 422, Statutes of Nevada 1997, at pages 1502 and 1503, respectively, are hereby amended to read respectively as follows:

Sec. 2. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided ~~in NRS 482.3747, 482.3775, 482.379 to 482.3794, inclusive, section 1 of Senate Bill No. 9 of this session and section 1 of this act, or NRS 482.384,~~ *by specific statute*, the director shall order the *redesign and* preparation of motor vehicle license plates with no other colors than blue and silver. The director may substitute white in place of silver when no suitable material is available.

2. *Except as otherwise provided in subsection 3, the department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.*

3. *The department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378 or 482.379, without the approval of the person.*

4. The director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

~~3.~~ 5. Every license plate must have displayed upon it:

- (a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;
- (b) The name of ~~the~~ *this* state, which may be abbreviated;
- (c) If issued for a calendar year, the year; and
- (d) If issued for a registration period other than a calendar year, the month and year the registration expires.

~~4.~~ 6. The letters I and Q must not be used in the designation.

~~5.~~ 7. Except as otherwise provided in NRS 482.379, all letters and numbers must be of the same size.

Sec. 4. 1. This section and ~~{section}~~ *sections 2.1 to 2.5, inclusive, of this act become effective on September 30, 1997.*

2. *Section 3 of this act* ~~{become}~~ *becomes* effective on October 1, 1997.

~~{2.}~~ 3. Section 2 of this act becomes effective at 12:02 a.m. on October 1, 1997.

~~{3.}~~ 4. Section 1 of this act becomes effective on January 1, 2001.

2. Chapter 422, Statutes of Nevada 1997, at page 1503, is hereby amended by adding thereto new sections to be designated as sections 2.1 to 2.5, inclusive, immediately following section 2, to read respectively as follows:

Sec. 2.1. Section 7 of chapter 385, Statutes of Nevada 1997, at page 1362, is hereby amended to read as follows:

Sec. 7. ~~{1.}~~ Sections 2, 4 and 5 of this act become effective 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. 2.2. Section 6 of chapter 438, Statutes of Nevada 1997, at page 1551, is hereby amended to read as follows:

Sec. 6. ~~{1.}~~ Sections 2, 4 and 5 of this act become effective 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. 2.3. 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 and 17 to 20, inclusive, of this act become effective at 12:01 a.m. on October 1, 1997.

~~{3.—Section 2 of this act becomes effective at 12:02 a.m. on October 1, 1997.}~~

Sec. 2.4. Section 7 of chapter 607, Statutes of Nevada 1997, at page 3055, is hereby amended to read as follows:

Sec. 7. ~~{1.}~~ Sections 2, 4 and 5 of this act become effective 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.

~~14.~~ 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.

2. The department shall charge a fee of \$300 for the issuance or renewal of a license to operate a body shop. 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. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall ~~{display}~~ **post** the license ~~{number prominently}~~ in **a conspicuous place clearly visible to the general public in** the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on April 30 of each year.

6. 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 subsection 2.

Sec. 39. Section 11 of chapter 431, Statutes of Nevada 1997, at page 1524, is hereby amended to read as follows:

Sec. 11. NRS 389.090 is hereby amended to read as follows:

389.090 1. The state board shall adopt regulations governing the establishment, conduct and scope of automobile driver education in the public schools of this state.

2. The aims and purposes of automobile driver education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain automobile driver education classes during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district.

A board of trustees maintaining courses in automobile driver education shall insure against any liability arising out of the use of motor vehicles in connection with those courses. The cost of the insurance must be paid from available school district funds.

4. A governing body of a charter school may establish and 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

(b) Submit the information collected to the central repository in the manner recommended by the advisory committee and approved by the director of the department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history it collects, and any information in its possession relating to the genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense, to the division in the manner prescribed by the director of the department. A report of disposition must be submitted to the division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the director of the department, within 30 days after the date of disposition. If an agency has submitted a record regarding the arrest of a person who is later

determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Sexual offenses and other records of criminal history; and

(2) The genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense.

(b) Use a record of the subject's fingerprints as the basis for any records maintained regarding him.

(c) Upon request during a state of emergency proclaimed pursuant to NRS 414.070, provide the information that is contained in the central repository to the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety.

5. The division may:

(a) Disseminate any information which is contained in the central repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of such information; and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person:

(1) Who has applied to any agency of the state or any political subdivision for a license which it has the power to grant or deny;

(2) With whom any agency of the state or any political subdivision intends to enter into a relationship of employment or a contract for personal services;

(3) About whom any agency of the state or any political subdivision has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction; or

(4) For whom such information is required to be obtained pursuant to section 4 of ~~this act.~~ ***Assembly Bill No. 155 of this session.***

6. The central repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the central repository.

- (d) Investigate the criminal history of any person who:
 - (1) Has applied to the superintendent of public instruction for a license;
 - (2) Has applied to a county school district for employment; or
 - (3) Is employed by a county school district,and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.
 - (e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:
 - (1) Investigated pursuant to paragraph (d); or
 - (2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation, who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.
 - (f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to section 3 or 4 of ~~this act.~~ ***Assembly Bill No. 155 of this session.***
 - (g) On or before July 1 of each year, prepare and present to the governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the governor throughout the year regarding specific areas of crime if they are recommended by the advisory committee and approved by the director of the department.
 - (h) ***On or before January 31 of each odd-numbered year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, a report containing statistical data about domestic violence in this state.***
 - (i) Identify and review the collection and processing of statistical data relating to criminal justice and delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.
7. The central repository may:
- (a) At the recommendation of the advisory committee and in the manner prescribed by the director of the department, disseminate compilations of statistical data and publish statistical reports relating to crime or delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The central repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or delinquency of children which is required to submit information pursuant to subsection 2 or the state disaster identification team of the division of emergency management of the department of motor vehicles and public safety. All money collected pursuant to this paragraph must be used to pay for the cost of operating the central repository.

8. As used in this section, "advisory committee" means the committee established by the director of the department pursuant to NRS 179A.078.

Sec. 10. NRS 481.245 is hereby amended to read as follows:

481.245 1. When a coroner is unable to establish the identity of a dead body by means other than by dental records, he shall have a dental examination of the body made by a dentist. The dentist shall prepare a record of his findings and forward it to the investigation division ~~and~~ *and to the central repository for Nevada records of criminal history.*

2. Each sheriff, chief of police or other law enforcement agency which receives a report of a person missing under suspicious circumstances who is 18 years or older shall:

(a) Transmit to the investigation division ~~and~~ *and to the central repository for Nevada records of criminal history:*

(1) The initial report that contains identifying information concerning the missing person within 72 hours after the receipt of that report; and

(2) Any subsequent report concerning the missing person within 5 working days after the receipt of that report if the report contains additional identifying information concerning the missing person;

(b) Notify immediately such persons and make inquiries concerning the missing person as the agency deems necessary; and

(c) Enter the information concerning the missing person into the computer for the National Crime Information Center ~~and~~ *and the central repository for Nevada records of criminal history*, if appropriate.

3. The sheriff, chief of police or other law enforcement agency ~~may~~ *shall* request the written consent of the next of kin or guardian of a person who has been reported to him as missing for 30 days or more to obtain ~~the dental records of~~ *certain identifying information about* the missing person *that the National Crime Information Center recommends be provided* from ~~that person's dentist.~~ *the appropriate providers of medical care.* After receiving the written consent, the sheriff, chief of police or other law

enforcement agency shall obtain the ~~[dental records from the dentist]~~ *identifying information from the providers of medical care* and forward ~~[them]~~ *that information* and any other relevant information to the investigation division *and to the central repository for Nevada records of criminal history* for comparison with the ~~[dental records of]~~ *identifying information that is on file concerning* unidentified deceased persons. This subsection does not prevent the voluntary release of *identifying information about* the missing ~~[person's dental records]~~ *person* by the next of kin or guardian of the missing person at any time.

4. The next of kin or guardian of the person reported as missing shall promptly notify the appropriate law enforcement agency when the missing person is found.

5. The sheriff, chief of police or other law enforcement agency shall inform the investigation division *, the central repository for Nevada records of criminal history* and the National Crime Information Center when a missing person has been found.

6. The investigation division *and the central repository for Nevada records of criminal history* shall:

(a) Maintain the records and other information forwarded to ~~[it]~~ *them* pursuant to subsections 1, 2 and 3 for the purpose of comparing the records and otherwise assisting in the identification of dead bodies; and

(b) Upon request during a state of emergency proclaimed pursuant to NRS 414.070, provide the records and other information that are maintained pursuant to this subsection to the state disaster identification team of the division of emergency management of the department.

2. Chapter 434, Statutes of Nevada 1997, at page 1540, is hereby amended by adding thereto a new section to be designated as section 13, immediately following section 12, to read as follows:

Sec. 13. Section 8 of this act becomes effective at 12:01 a.m. on October 1, 1997.

Sec. 42. 1. Section 6 of chapter 438, Statutes of Nevada 1997, at page 1551, is hereby amended to read as follows:

Sec. 6. **1. *This section and sections 5.1 and 5.2 of this act become effective at 12:01 a.m. on September 30, 1997.***

2. Sections 2, 4 and 5 of this act become effective at 12:01 a.m. on October 1, 1997.

2. Chapter 438, Statutes of Nevada 1997, at page 1551, 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 ~~[and 17 to 20, inclusive,]~~, **17, 18 and 19** of this act become effective at 12:01 a.m. on October 1, 1997.

Sec. 5.2. Section 20 of chapter 599, Statutes of Nevada 1997, at page 3006, is hereby repealed.

Sec. 43. Section 5 of chapter 439, Statutes of Nevada 1997, at page 1556, is hereby amended to read as follows:

Sec. 5. This act becomes effective ~~[upon passage and approval,]~~ **on July 15, 1997.**

Sec. 44. 1. Section 2 of chapter 444, Statutes of Nevada 1997, at page 1562, is hereby amended to read as follows:

Sec. 2. NRS 333.340 is hereby amended to read as follows:

333.340 1. Every contract or order must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the chief may consider:

- (a) The location of the using agency to be supplied.
- (b) The qualities of the articles to be supplied.
- (c) The total cost of ownership of the articles to be supplied.
- (d) ~~[The]~~ **Except as otherwise provided in paragraph (e), the** conformity of the articles to be supplied with the specifications.
- (e) **If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:**

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The chief deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(f) The purposes for which the articles to be supplied are required.

~~[(f)]~~ **(g)** The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the chief shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

- (a) The history of maintenance or repair of the articles;
- (b) The cost of routine maintenance and repair of the articles;
- (c) Any warranties provided in connection with the articles;
- (d) The cost of replacement parts for the articles; and
- (e) The value of the articles as used articles when given in trade on a subsequent purchase.

2. Chapter 444, Statutes of Nevada 1997, at page 1563, is hereby amended by adding thereto a new section to be designated as section 3, immediately following section 2, to read as follows:

Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1997.

Sec. 45. 1. Sections 3 and 6 of chapter 445, Statutes of Nevada 1997, at pages 1563 and 1566, respectively, are hereby amended to read respectively as follows:

Sec. 3. *1. Except as otherwise provided in this section, if a child is adjudicated delinquent for an act that, if committed by an adult, would be a category A or category B felony and the act was a sexual offense or involved the use or threatened use of force or violence against the victim, the records relating to the child must not be sealed pursuant to the provisions of NRS 62.370.*

2. If a child who is subject to the provisions of subsection 1 is not adjudicated delinquent for any other subsequent act that, if committed by an adult, would be a felony and is not otherwise convicted of a felony as an adult before reaching 24 years of age, all records relating to the child must be automatically sealed when the child reaches 24 years of age as provided in subsection 4 of NRS 62.370.

3. The provisions of this section:

(a) Apply to a child who is relieved of being subject to community notification as a juvenile sex offender pursuant to section 91 of Senate Bill No. 325 of this session.

(b) Do not apply to a child who is deemed to be an adult sex offender pursuant to section 91 of Senate Bill No. 325 of this session.

Sec. 6. NRS 62.380 is hereby amended to read as follows:

62.380 Any decree or order entered by a judge or master of a juvenile court, district court, justice's court or municipal court concerning a child within the purview of this chapter must contain, for the benefit of the child, an explanation of the contents of **section 3 of this act**, NRS 62.370 and, if applicable, section 91.1 of ~~this act.~~ **Senate Bill No. 325 of this session.**

2. Chapter 445, Statutes of Nevada 1997, at page 1566, is hereby amended by adding thereto a new section to be designated as section 6.1, immediately following section 6, to read as follows:

Sec. 6.1. Section 91.1 of chapter 451, Statutes of Nevada 1997, at page 1676, is hereby amended to read as follows:

Sec. 91.1. 1. The records relating to a child must not be sealed pursuant to the provisions of NRS 62.370 while the child is subject to community notification as a juvenile sex offender.

2. ~~##~~ **Except as otherwise provided in section 3 of Senate Bill No. 285 of this session, if** the child is relieved of being subject to community notification as a juvenile sex offender

pursuant to section 91 of ~~{this act,}~~ *Senate Bill No. 325 of this session*, all records relating to the child must be automatically sealed when the child reaches 24 years of age as provided in subsection 4 of NRS 62.370.

3. If the child is deemed to be an adult sex offender pursuant to section 91 of ~~{this act,}~~ *Senate Bill No. 325 of this session* or is otherwise convicted of a sexual offense, as defined in section 48 of ~~{this act,}~~ *Senate Bill No. 325 of this session*, as an adult before reaching 21 years of age:

(a) The records relating to the child must not be sealed pursuant to the provisions of NRS 62.370; and

(b) Each delinquent act committed by the child that would have been a sexual offense, as defined in section 48 of ~~{this act,}~~ *Senate Bill No. 325 of this session*, if committed by an adult, shall be deemed to be a criminal conviction for the purposes of:

(1) Registration and community notification pursuant to sections 42 to 76, inclusive, of ~~{this act,}~~ *Senate Bill No. 325 of this session*; and

(2) The statewide registry established within the central repository pursuant to sections 2 to 20, inclusive, of ~~{this act,}~~ *Senate Bill No. 325 of this session*.

Sec. 46. Section 16 of chapter 446, Statutes of Nevada 1997, at page 1574, is hereby amended to read as follows:

Sec. 16. NRS 361.320 is hereby amended to read as follows:

361.320 1. At the regular session of the Nevada tax commission commencing on the first Monday in October of each year, the Nevada tax commission shall establish the valuation for assessment purposes of any property of an interstate and intercounty nature, which must in any event include the property of all interstate or intercounty railroad, sleeping car, private car, street railway, traction, telegraph, water, telephone, *scheduled and unscheduled* air transport, electric light and power companies, together with their franchises, and the property and franchises of all railway express companies operating on any common or contract carrier in this state. This valuation must not include the value of vehicles as defined in NRS 371.020.

2. Except as otherwise provided in subsection 3 and NRS 361.323, the commission shall establish and fix the valuation of the franchise, if any, and all physical property used directly in the operation of any such business of any such company in this state, as a collective unit. If the company is operating in more than one county, on establishing the unit valuation for the collective property, the commission shall then determine the total aggregate mileage operated within the state and within its several counties, and apportion the mileage upon a mile-unit valuation basis. The number of miles apportioned to any county are subject to

assessment in that county according to the mile-unit valuation established by the commission.

3. After establishing the valuation, as a collective unit, of a public utility which generates, transmits or distributes electricity, the commission shall segregate the value of any project in this state for the generation of electricity which is not yet put to use. This value must be assessed in the county where the project is located and must be taxed at the same rate as other property.

4. The Nevada tax commission shall adopt formulas, and cause them to be incorporated in its records, providing the method or methods pursued in fixing and establishing the taxable value of all franchises and property assessed by it. The formulas must be adopted and may be changed from time to time upon its own motion or when made necessary by judicial decisions, but the formulas must in any event show all the elements of value considered by the commission in arriving at and fixing the value for any class of property assessed by it. These formulas must take into account, as indicators of value, the company's income, stock and debt, and the cost of its assets.

5. If two or more persons perform separate functions that collectively are needed to deliver electric service to the final customer and the property used in performing the functions would be centrally assessed if owned by one person, the Nevada tax commission shall establish its valuation and apportion the valuation among the several counties in the same manner as the valuation of other centrally assessed property. The Nevada tax commission shall determine the proportion of the tax levied upon the property by each county according to the valuation of the contribution of each person to the aggregate valuation of the property. This subsection does not apply to qualified facilities, as defined in 18 C.F.R. § 292.101, which were constructed before July 1, 1997.

6. As used in this section, "company" means any person, company, corporation or association engaged in the business described.

7. All other property must be assessed by the county assessors, except as otherwise provided in NRS 361.321 and 362.100 and except that the valuation of land and mobile homes must be established for assessment purposes by the Nevada tax commission as provided in NRS 361.325.

8. On or before November 1 of each year, the department shall forward a tax statement to each private car line company based on the valuation established pursuant to this section and in accordance with the tax levies of the several districts in each county. The company shall remit the ad valorem taxes due on or before December 15 to the department which shall allocate the taxes due each county on a mile-unit basis and remit the taxes to the counties

no later than January 31. The portion of the taxes which is due the state must be transmitted directly to the state treasurer. A company which fails to pay the tax within the time required shall pay a penalty of 10 percent of the tax due or \$5,000, whichever is greater, in addition to the tax. Any amount paid as a penalty must be deposited in the state general fund. The department may, for good cause shown, waive the payment of a penalty pursuant to this subsection. As an alternative to any other method of recovering delinquent taxes provided by this chapter, the attorney general may bring a civil action in a court of competent jurisdiction to recover delinquent taxes due pursuant to this subsection in the manner provided in NRS 361.560.

Sec. 47. Sections 34, 53, 87 and 88 of chapter 447, Statutes of Nevada 1997, at pages 1609, 1617 and 1633, are hereby amended to read respectively as follows:

Sec. 34. NRS 321.500 is hereby amended to read as follows:

321.500 1. The commission may, on behalf of the State of Nevada, purchase or otherwise acquire from the Federal Government all or any portion of the lands described in subsection 2, at intervals during any period when a purchase or acquisition may be made as provided by the Congress of the United States, including any extension of time granted by the Secretary of the Interior, or otherwise.

2. The lands referred to in subsection 1 are described as follows:

(a) Parcel 1. All of sections 1, 12 and 13; fractional sections 24 and 25, T. 33 S., R. 65 E.

(b) Parcel 2. All of sections 6, 7 and 8; fractional sections 4, 5, 9, 10 and 15, all of section 16, fractional section 17, all of section 18, fractional sections 19, 20, 21, 30 and 31, T. 33 S., R. 66 E.

(c) Parcel 3. All of sections 9, 10, 11, 14, 15 and 16, east 1/2 section 20, all of sections 21, 22, 23, fractional sections 24, 25 and 26, all of sections 27 and 28, east 1/2 section 29, southeast 1/4 section 31, fractional sections 32, 33, 34 and 35, T. 32 S., R. 66 E.

(d) Parcel 4. Fractional sections 4 and 5, T. 34 S., R. 66 E., and any other surveyed land or any unsurveyed land lying between the lands described in parcels 2, 3 and 4 and the Arizona-Nevada state line.

All ~~range~~ references *to township and range* in this subsection refer to Mount Diablo base and meridian.

Sec. 53. NRS 458.420 is hereby amended to read as follows:
458.420 The commission shall:

1. Develop and coordinate a state master plan ~~which~~ *that* must include ~~it~~, *without limitation*:

(a) All existing and future plans and reports developed by state and local agencies, task forces, councils, committees and

community programs for substance abuse education, prevention, enforcement and treatment;

- (b) A summary of the current activities of the commission;
- (c) The goals and objectives of the commission;
- (d) The order of priority concerning the efforts required to achieve the goals and objectives of the commission; and
- (e) A statement of the roles of state and local governmental agencies and the private sector in the achievement of the goals and objectives of the commission.

2. Prepare and deliver to the governor on or before September 1 of each year a report ~~{which}~~ **that** summarizes the status of the state master plan and of the efforts of the commission to achieve its goals and objectives.

3. Hold and coordinate public hearings throughout the state as **are** necessary to receive information from the public relating to education concerning the abuse of drugs and alcohol, prevention and treatment of the abuse of drugs and alcohol and the enforcement of laws relating to drugs and alcohol.

4. Encourage the creation of state and local task forces, councils and committees relating to education concerning the abuse of drugs and alcohol, prevention and treatment of the abuse of drugs and alcohol and enforcement of laws relating to drugs and alcohol and develop procedures to receive information and recommendations from the task forces, councils and committees on a regular basis.

5. Recommend to the governor in its annual report any proposed legislation relating to education concerning the abuse of drugs and alcohol, prevention and treatment of the abuse of drugs and alcohol and enforcement of laws relating to drugs and alcohol.

6. Collect, evaluate and disseminate information concerning the performance of the programs for substance abuse education, prevention, enforcement and treatment.

7. Disseminate information concerning any new developments in research or programs for substance abuse education, prevention, 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 **H**:

(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 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~~ **life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years** ~~H~~ **has been served**, and may be further punished by a fine of not more than \$10,000.

Sec. 6. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any conditions of parole required to be imposed pursuant to section 94 of Senate Bill No. 325 of this session, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 2 against a child under the age of 14 years, the board shall, when appropriate:

(a) Require the parolee to participate in psychological counseling;

(b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present; and

(c) Prohibit the parolee from being on or near the grounds of any place that is primarily designed for use by or for children, including, without limitation, a public or private school, a center or facility that provides day care services, a video arcade and an amusement park.

2. The provisions of subsection 1 apply to a prisoner who was convicted of:

(a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;

(b) Abuse or neglect of a child pursuant to paragraph (a) of subsection 2 of NRS 200.508;

(c) An offense punishable pursuant to subsection 2 of NRS 200.750;

(d) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 201.195;

(e) Lewdness with a child pursuant to NRS 201.230; or

(f) Any combination of the crimes listed in paragraphs (a) to (e), inclusive.

2. Chapter 455, Statutes of Nevada 1997, at page 1723, is hereby amended by adding thereto a new section to be designated as section 10, immediately following section 9, to read as follows:

Sec. 10. Sections 2, 4 and 5 of this act become effective at 12:01 a.m. on October 1, 1997.

Sec. 50. Section 5 of chapter 464, Statutes of Nevada 1997, at page 1739, is hereby amended to read as follows:

Sec. 5. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its:

(a) Funds;

(b) Account groups; and

(c) Separate accounts established pursuant to NRS 354.603.

A local government may provide for more frequent audits as it deems necessary. Except as otherwise provided in subsection 2, each annual audit must be concluded and the report of the audit submitted to the governing body as provided in subsection 5 not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the department of taxation to any local government ~~[which makes]~~ *that submits an* application for an extension ~~[.]~~ *to the department.* If the local government fails to provide for an audit in accordance with

the provisions of this section, the department of taxation shall cause the audit to be made at the expense of the local government. All audits must be ~~made~~ **conducted** by a public accountant **who is** certified or registered or by a partnership or professional corporation **that is** registered pursuant to chapter 628 of NRS.

2. The annual audit of a school district must be concluded and the report submitted to the board of trustees as provided in subsection 5 not later than 4 months after the close of the fiscal year for which the audit is conducted.

3. The governing body may, without requiring competitive bids, designate the auditor or firm annually. The auditor or firm must be designated not later than 3 months before the close of the fiscal year for which the audit is to be made.

4. Each annual audit must cover the business of the local government during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards, including comment on compliance with statutes and regulations, recommendations for improvements and any other comments deemed pertinent by the auditor, including his expression of opinion on the financial statements. The **department of taxation shall prescribe the** form of the financial statements, ~~, {must be prescribed by the department of taxation,}~~ and the chart of accounts must be as nearly as possible the same as **the chart** that **is** used in the preparation and publication of the annual budget. The report of the audit must include:

(a) A schedule of all fees imposed by the local government which were subject to the provisions of NRS 354.5989;

(b) A comparison of **the** operations of the local government with the approved budget ~~{and}~~, **including** a statement from the auditor that ~~{previously noted}~~ **indicates whether the governing body has taken action by adoption as recommended, by adoption with modifications or by rejection on any** deficiencies in operations and ~~{previously made}~~ recommendations for improvements ~~{contained}~~ **which were noted or made** in previous reports ; ~~{have been acted upon by adoption as recommended, adoption with modifications or rejection; and}~~

(c) A statement from the auditor ~~{indicating}~~ **that indicates** whether each of the following funds established by the local government is being used expressly for the purposes for which it was created, in the form required by NRS 354.6241:

- (1) An enterprise fund.
- (2) An internal service fund.
- (3) A trust or agency fund.
- (4) A self-insurance fund.
- (5) A fund whose balance is required by law to be

:

(I) Used only for a specific purpose other than the payment of compensation to a bargaining unit, as defined in NRS 288.028; or

(II) Carried forward to the succeeding fiscal year in any designated amount ~~1-1~~; and

(d) A list and description of any property conveyed to a nonprofit organization pursuant to section 1 or 3 of this act.

5. The recommendations and the summary of the narrative comments contained in the report of the audit must be read in full at a meeting of the governing body held not more than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with any related letter to the governing body required by generally accepted auditing standards or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

- (a) The clerk or secretary of the governing body;
- (b) The county clerk;
- (c) The department of taxation; and
- (d) In the case of a school district, the department of education.

6. The governing body shall act upon the recommendations of the report of the audit within 3 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.

Sec. 51. Sections 1 and 8 of chapter 466, Statutes of Nevada 1997, at pages 1742 and 1750, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by statute, the department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A third or subsequent violation within 7 years of NRS 484.379.

(3) A violation of NRS 484.3795 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance.

The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon

completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this state in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the department ~~under~~ *pursuant to* NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484.379 and, except as otherwise provided in subsection 3 of NRS 483.490, the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379.

2. The department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege ~~H~~ *to drive*.

3. When the department is notified by a court that a person who has been convicted of violating NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.3794 ~~H~~ *or section 3 of this act*, the department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The department shall revoke the license, permit or privilege *to drive* of a ~~driver~~ *person* who is required to install a device pursuant to NRS 484.3943 but *who* operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license

during the period set forth in paragraph (a) or (b) of that subsection, whichever is applicable.

6. When the department is notified that a court has:

(a) Pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 or 62.228, or section 2 of Assembly Bill No. 176 of this session or section 14 of Assembly Bill No. 486 of this session, ordered the suspension or delay in *the* issuance of a child's license;

(b) Pursuant to NRS 206.330, ordered the suspension or delay in *the* issuance of a person's license; or

(c) Pursuant to NRS 62.227, ordered the revocation of a child's license,

the department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 8. 1. ~~{Section}~~ *Sections 1 and* 4 of this act ~~{becomes}~~ *become* effective at 12:01 a.m. on October 1, 1997.

2. Section 7 of this act becomes effective at 12:02 a.m. on October 1, 1997.

Sec. 52. 1. Sections 5, 27, 30, 31 and 64 of chapter 473, Statutes of Nevada 1997, at pages 1759, 1770, 1773, 1774 and 1788, respectively, are hereby amended to read respectively as follows:

Sec. 5. *The department shall, on or before December 15 of each year:*

1. Evaluate the information submitted by each school district pursuant to paragraphs (b), (g) and (i) of subsection 2 of NRS 385.347; and

2. Based upon its evaluation and in accordance with the criteria set forth in sections 6 and 7 of this act, designate each public school within each school district as:

(a) Demonstrating high achievement;

(b) Demonstrating adequate achievement; or

(c) Demonstrating inadequate achievement.

Sec. 27. 1. *The commission on educational technology, consisting of 11 members, is hereby created. The superintendent of public instruction and the director of the department of information technology shall serve ex officio as nonvoting members of the commission.*

2. The governor shall appoint the following voting members to the commission, at least two of whom must reside in a county whose population is less than 100,000:

(a) One administrator in a public school who possesses knowledge and experience in the general application of technology;

(b) One school teacher in a public elementary school who possesses knowledge and experience in the use of educational technology in the public schools;

(c) One school teacher in a public secondary school who possesses knowledge and experience in the use of educational technology in the public schools;

(d) One representative of public libraries who possesses knowledge and experience in the general application of technology;

(e) One representative of the University and Community College System of Nevada who possesses knowledge and experience in the use of educational technology in institutions of higher education;

(f) One representative of the private sector who possesses knowledge and experience in the use of technology; and

(g) One parent or legal guardian who possesses knowledge and experience in the general application of technology.

3. The senate majority leader shall appoint two voting members to the commission:

(a) One of whom is a member of the senate; and

(b) One of whom is employed in the field of technology.

4. The speaker of the assembly shall appoint two voting members to the commission:

(a) One of whom is a member of the assembly; and

(b) One of whom is employed in the field of technology.

5. The governor shall appoint a chairman among the voting members of the commission.

6. The term of each member of the commission is 2 years, commencing on July 1 of each odd-numbered year and expiring on June 30 of the immediately succeeding odd-numbered year. Upon the expiration of a term of a member, he may be reappointed, if he still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.

7. The person or entity who appoints a member to the commission may remove that member if the member neglects his duty or commits malfeasance in office, or for other just cause. Any vacancy in the membership of the commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

8. The commission shall hold at least four regular meetings each year, and may hold special meetings at the call of the chairman.

9. Members of the commission who are not legislators serve without compensation, except that for each day or portion of a day during which a member of the commission attends a meeting

of the commission or is otherwise engaged in the business of the commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. For each day or portion of a day during which a member of the commission who is a legislator attends a meeting of the commission or is otherwise engaged in the work of the commission, except during a regular or special session of the legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the commission must be paid from the legislative fund.

Sec. 30. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools within its district to determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Writing; ~~and~~

~~—(c) Mathematics.~~

(c) Mathematics; and

(d) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 8, **10** and 11.

(b) Administered in each school district at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to

each school district. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school within the school district. Not more than 10 working days after each school receives the results of the examinations, the principal of each school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board.

5. If a pupil fails to demonstrate *at least* adequate achievement on the examination administered before the completion of grade 4 ~~for 8,~~ *8 or 10*, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. *If such a pupil is enrolled at a school that has been designated as demonstrating inadequate achievement pursuant to section 7 of this act, the pupil must, in accordance with the requirements set forth in this subsection, complete a program of remedial study pursuant to section 10 of this act.*

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

~~6.7~~ 7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, ~~and~~ mathematics *and science* prescribed for grades 4, ~~and~~ *8 and 10* must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the

achievement and proficiency of pupils in grades 4 , ~~and~~ 8 *and* 10 in this state to that of a national reference group of pupils in grades 4 ~~and 8.~~ , 8 *and* 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 31. NRS 389.017 is hereby amended to read as follows:

389.017 1. The state board shall prescribe regulations requiring that each board of trustees of a school district submit to the superintendent of public instruction ~~it~~ *and the department*, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th , *10th* and 11th grades ~~to~~ *to* public school pupils in the district. The state board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

2. The results of examinations administered to all pupils must be reported for each school, school district and this state as follows:

(a) The average score of pupils with disabilities for whom different standards of achievement are adopted or other modifications or accommodations are made if such reporting does not violate the confidentiality of the test scores of any individual pupil;

(b) The average score of pupils for whom different standards of achievement were not adopted or other modifications or accommodations were not made; and

(c) The average score of all pupils who were tested.

3. On or before November 1 of each year, each school district shall report to the department the following information for each examination administered in the public schools in the school district:

(a) The examination administered;

(b) The grade level or levels of pupils to whom the examination was administered;

(c) The costs incurred by the school district in administering each examination; and

(d) The purpose, if any, for which the results of the examination are used by the school district.

On or before December 1 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

4. The superintendent of schools of each school district shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district who are required to take the examinations except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His proficiency in the English language is below the average proficiency of pupils at the same grade level; or

(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

5. In addition to the information required by subsection 3, the superintendent of public instruction shall:

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

Sec. 64. 1. This section and section 63 of this act become effective upon passage and approval.

2. Subsection 1 of section 61 of this act becomes effective on June 30, 1997. Subsections 2 to 11, inclusive, of section 61 of this act become effective on July 1, 1997.

3. Section 27 of this act becomes effective upon passage and approval for purposes of appointing members to the commission on educational technology, created pursuant to section 27 of this act, and on July 1, 1997, for all other purposes.

4. Section 37 of this act becomes effective upon passage and approval for purposes of appointing members to the legislative committee on education, created pursuant to section 37 of this act, and on July 1, 1997, for all other purposes.

5. Section 43 of this act becomes effective upon passage and approval for purposes of appointing members to the council to establish academic standards for public schools, created pursuant to section 43 of this act, and on July 1, 1997, for all other purposes, and expires by limitation on June 30, 2001.

6. Sections 20 to 26, inclusive, 28 to 36, inclusive, 38 to ~~42,~~ **42.1**, inclusive, 46 to 60, inclusive, and 62 of this act become effective on July 1, 1997.

7. Sections 44 and 45 of this act become effective on July 1, 1997, and expire by limitation on June 30, 2003.

8. Sections 1 to 19, inclusive, of this act become effective on January 1, 1998.

2. Chapter 473, Statutes of Nevada 1997, at page 1779, 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 42 and 43 of chapter 480, Statutes of Nevada 1997, at pages 1868 and 1869, respectively, are hereby amended to read respectively as follows:

Sec. 42. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools ~~{within its district to}~~ **of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must** determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 8, 10 and 11.
- (b) Administered in each school district **and each charter school** at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district ~~{}~~ **and each charter**

school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school within the school district. Not more than 10 working days after each school receives the results of the examinations, the principal of each school ***and the governing body of each charter school*** shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating inadequate achievement pursuant to section 7 of ~~this act.~~ ***Senate Bill No. 482 of this session,*** the pupil must, in accordance with the requirements set forth in this subsection, complete a program of remedial study pursuant to section 10 of ~~this act.~~ ***Senate Bill No. 482 of this session.***

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from

examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

- (a) To the extent necessary for administering and evaluating the examinations.
- (b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.
- (c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 43. NRS 389.017 is hereby amended to read as follows:

389.017 1. The state board shall prescribe regulations requiring that each board of trustees of a school district **and each governing body of a charter school** submit to the superintendent of public instruction and the department, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th, 10th and 11th grades to public school pupils ~~in~~ **of** the district ~~and~~ **and charter schools**. The state board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

2. The results of examinations administered to all pupils must be reported for each school, **including, without limitation, each charter school**, school district and this state as follows:

(a) The average score of pupils with disabilities for whom different standards of achievement are adopted or other modifications or accommodations are made if such reporting does not violate the confidentiality of the test scores of any individual pupil;

(b) The average score of pupils for whom different standards of achievement were not adopted or other modifications or accommodations were not made; and

(c) The average score of all pupils who were tested.

3. On or before November 1 of each year, each school district **and each charter school** shall report to the department the following information for each examination administered in the public schools in the school district ~~or~~ **or charter school**:

(a) The examination administered

;

(b) The grade level or levels of pupils to whom the examination was administered;

(c) The costs incurred by the school district *or charter school* in administering each examination; and

(d) The purpose, if any, for which the results of the examination are used by the school district ~~H~~ *or charter school*.

On or before December 1 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

4. The superintendent of schools of each school district *and the governing body of each charter school* shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district *or in the charter school* who are required to take the examinations except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His proficiency in the English language is below the average proficiency of pupils at the same grade level; or

(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

5. In addition to the information required by subsection 3, the superintendent of public instruction shall:

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

Sec. 53. Section 3 of chapter 474, Statutes of Nevada 1997, at page 1790, is hereby amended to read as follows:

Sec. 3. NRS 41.500 is hereby amended to read as follows:

41.500 1. Except as otherwise provided in NRS 41.505, any person in this state who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.

2. Any person in this state who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this state, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

3. Any appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this state, other than a driver or attendant, of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him whenever he is performing his duties in good faith.

4. Any person who is a member of a search and rescue organization in this state under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to chapter 450B of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.

6. Any person who:

(a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;

(b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest

conducted in accordance with the standards of the American Heart Association; or

(c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency, and who in good faith renders cardiopulmonary resuscitation in accordance with his training or the direction, other than in the course of his regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.

7. For the purposes of subsection 6, a person who:

(a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to section 1 of ~~{this act;}~~ *Senate Bill No. 316 of this session;* and

(b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school, shall be presumed to have acted other than in the course of his regular employment or profession.

8. Any person who has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest that:

(a) Included training in the operation and use of an automatic external defibrillator; and

(b) Was conducted in accordance with the standards of the American Heart Association, and who renders emergency medical care involving the use of an automatic external defibrillator in accordance with his training is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care. A business or organization that employs a person who renders emergency care in accordance with this subsection is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automatic external defibrillator to the person for the purpose of rendering such care.

Sec. 54. Sections 3, 5, 6, 8 and 34 of chapter 476, Statutes of Nevada 1997, at pages 1802, 1804, 1806 and 1821, are hereby amended to read respectively as follows:

Sec. 3. NRS 171.137 is hereby amended to read as follows:

171.137 1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when he has probable cause to believe that the person to be arrested has, within

the preceding 24 hours, committed a battery upon his spouse, former spouse, ~~{a}~~ **any other** person to whom he is related by blood ~~{,}~~ **or marriage**, a person with whom he is or was actually residing ~~{or}~~, **a person with whom he has had or is having a dating relationship, a person** with whom he has a child in common, ~~{his}~~ **the** minor child **of any of those persons** or ~~{a}~~ **his** minor child . ~~{of that person.}~~

2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, he shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons **who** allegedly ~~{committing}~~ **committed** a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

- (a) Prior domestic violence involving either person;
- (b) The relative severity of the injuries inflicted upon the persons involved;
- (c) The potential for future injury;
- (d) Whether one of the alleged batteries was committed in self-defense; and
- (e) Any other factor ~~{which helps}~~ **that may help** the peace officer decide which person ~~{is}~~ **was** the primary physical aggressor.

3. A peace officer shall not base his decision **regarding** whether to arrest a person pursuant to this section on his perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. As used in this section, “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.

Sec. 5. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978 (25 U.S.C. §§ 1901 et seq.), in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

- (a) Brought pursuant to chapter 31A, 62, 123, 125, 125A, 125B, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

- (b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.
- (c) For judicial approval of the marriage of a minor.
- (d) Otherwise within the jurisdiction of the juvenile court.
- (e) To establish the date of birth, place of birth or parentage of a minor.
- (f) To change the name of a minor.
- (g) For a judicial declaration of the sanity of a minor.
- (h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.
- (i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

2. The family court, where established, and the justices' court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court, have concurrent jurisdiction over any action for damages brought pursuant to section 16 of this act by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 6. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided ***in subsection 2***, by specific statute or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 1 year, the sentence of a person convicted of a misdemeanor. When the circumstances warrant, the justice of the peace may order as a condition of suspension that the offender:

- (a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;
- (b) Engage in a program of work for the benefit of the community, for not more than 200 hours;
- (c) Actively participate in a program of professional counseling at the expense of the offender;
- (d) Abstain from the use of alcohol and controlled substances;
- (e) Refrain from engaging in any criminal activity;
- (f) Engage or refrain from engaging in any other conduct deemed appropriate by the justice of the peace;
- (g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and
- (h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. *If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:*

(a) A program of treatment for the abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to section 30 of this act; or

(c) Both programs set forth in paragraphs (a) and (b), and that he comply with any other condition of suspension ordered by the justice of the peace.

3. The justice of the peace may order reports ~~from such persons and~~ *from a person whose sentence is suspended* at such times as he deems appropriate ~~from~~ concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

~~3.~~ 4. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 8. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided *in subsection 2*, by specific statute or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 1 year, the sentence of a person convicted of a misdemeanor. When the circumstances warrant, the municipal judge may order as a condition of suspension that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of work for the benefit of the community, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct deemed appropriate by the municipal judge;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer

or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.

2. *If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:*

(a) A program of treatment for the abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to section 30 of this act; or

(c) Both programs set forth in paragraphs (a) and (b), and that he comply with any other condition of suspension ordered by the municipal judge.

3. The municipal judge may order reports ~~from such persons and~~ *from a person whose sentence is suspended* at such times as he deems appropriate ~~from~~ concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

~~3.1~~ 4. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 34. 1. This section and section 30 of this act become effective on July 1, 1997.

2. Sections 1 ~~to 6, inclusive,~~ *2, 4, 4.5*, 9 to 17, inclusive, 20 to 23, inclusive, 25 to 29, inclusive, 31, 32 and 33 of this act become effective on October 1, 1997.

3. Sections *3, 5, 7* ~~1, 8~~ and 24 of this act become effective at 12:01 a.m. on October 1, 1997.

4. *Sections 6 and 8 of this act become effective at 12:02 a.m. on October 1, 1997.*

5. Sections 18 and 19 of this act become effective on January 1, 1998.

Sec. 55. Sections 38, 55 and 56 of chapter 480, Statutes of Nevada 1997, at pages 1865 and 1875, are hereby amended to read respectively as follows:

Sec. 38. NRS 388.367 is hereby amended to read as follows:

388.367 1. There is hereby created in the state treasury the fund for the school to careers program to be administered by the state board. The superintendent may accept gifts and grants of money from any source for deposit in the fund. All legislative appropriations, gifts and grants made to the fund become a part of the principal of the fund which may be reduced only by specific legislative action. The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund.

2. Money in the fund must be used for the program to provide pupils with the skills to make the transition from school to careers adopted pursuant to NRS 388.368.

3. Money in the fund must not be:

(a) Considered in negotiations between a recognized organization of employees of a school district and the school district; or

(b) Used to reduce the amount of money which would otherwise be made available for occupational education in the absence of this section.

4. The state board shall establish annually, within the limits of money available in the fund, a basic allocation of ~~[\$25,000]~~ :

(a) Twenty-five thousand dollars to each school district and each university and community college within the University and Community College System of Nevada whose application to participate in the program adopted pursuant to NRS 388.368 is approved pursuant to subsection 5 of that section. ~~[The remaining]~~

(b) Not more than \$25,000 to each charter school whose application to participate in the program adopted pursuant to NRS 388.368 is approved pursuant to subsection 5 of that section.

5. Any money *remaining after the allocations made pursuant to subsection 4* must be allocated to:

(a) School districts with approved applications in proportion to the total number of pupils enrolled in grades 7 ~~[through]~~ to 12, inclusive, within the district on the last day of the first month of the school year preceding the school year for which the money is being provided; ~~[and]~~

(b) Charter schools with approved applications in proportion to the total number of pupils enrolled in grades 7 to 12, inclusive, within the charter school on the last day of the first month of the school year preceding the school year for which the money is being provided; and

(c) Community colleges with approved applications in proportion to the total number of full-time students enrolled on October 15 of the school year preceding the school year for which the money is being provided.

Sec. 55. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district *or the governing body of a charter school* shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is 17 years of age or younger for violation of any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, and sections 3 to 7, inclusive, of ~~this act.~~ *Assembly Bill No. 486 of this session.*

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 56. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is 17 years of age or younger has violated any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, and sections 3 to 7, inclusive, of ~~this act.~~ *Assembly Bill No. 486 of this session*, the clerk of the board of trustees ~~or the governing body of a charter school in which the child is enrolled~~, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 56. 1. Sections 4, 15, 22, 23, 24, 39, 113, 120, 121, 129, 133, 135, 137, 150, 155 to 160, inclusive, 163, 164, 173, 174, 178, 179, 184, 189, 190, 194, 195, 196, 228, 239, 265, 276, 277, 282, 297, 332, 333.5, 334.5, 345 and 346 of chapter 482, Statutes of Nevada 1997, at pages 1881, 1883, 1886, 1887, 1888, 1891, 1925, 1927, 1930, 1931, 1932, 1936 to 1939, inclusive, 1941, 1944 to 1947, inclusive, 1949, 1950, 1953, 1965, 1967, 1980, 1988, 1992, 2001, 2020, 2021, 2023 and 2024, are hereby amended to read respectively as follows:

Sec. 4. NRS 703.010 is hereby amended to read as follows:

703.010 As used in this chapter ~~it is~~, *unless the context otherwise requires:*

1. *“Alternative seller” has the meaning ascribed to it in section 30 of this act.*

2. “Commission” means the public service commission of Nevada.

~~it is~~ 3. “Fully regulated carrier” has the meaning ascribed to it in NRS 706.072.

~~[3.]~~ 4. "Tow car" has the meaning ascribed to it in NRS 706.131.

~~[4.]~~ 5. "Towing services" has the meaning ascribed to it in section 9 of ~~[this act.]~~ *Senate Bill No. 451 of this session*.

Sec. 15. NRS 703.191 is hereby amended to read as follows:

703.191 1. Each public utility ~~[, fully regulated carrier, operator of a tow car and broker of services]~~ regulated by the commission shall:

(a) Keep uniform and detailed accounts of all business transacted *in this state* in the manner required by the commission by regulation, and render them to the commission upon its request.

(b) Furnish an annual report to the commission in the form and detail which it prescribes by regulation.

~~[The regulations of the commission may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the commission to enforce the provisions of NRS 706.010 to 706.791, inclusive.~~

~~2. Except as otherwise provided in subsection 3, the]~~

2. *The* reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. ~~[A motor carrier may, with the permission of the commission, prepare the reports required by this section for a year other than a calendar year which the commission specifies, and submit them not later than a date specified by the commission in each year.~~

~~4.]~~ If the commission finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

Sec. 22. NRS 703.310 is hereby amended to read as follows:

703.310 1. When a complaint is made against any public utility, fully regulated carrier, broker of regulated services, ~~[or]~~ operator of a tow car *or alternative seller* by any person, that:

(a) Any of the rates, tolls, charges or schedules ~~[.]~~ *for regulated services*, or any joint rate or rates assessed by any public utility, fully regulated carrier or broker of regulated services are in any respect unreasonable or unjustly discriminatory;

(b) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle is unreasonable or unjustly discriminatory;

(c) Any of the provisions of NRS 706.446 to 706.453, inclusive, and sections 10, 11 and 11.5 of ~~[this act]~~ *Senate Bill No. 451 of this session* have been violated;

(d) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, or the service of any broker in connection therewith, or any regulation, measurement, practice or act affecting or relating to the production, transmission or delivery or furnishing of heat, light, gas, coal slurry, water or power, or any service in connection therewith or the transmission thereof is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(e) Any service is inadequate,
the division of consumer relations of the commission shall investigate the complaint. After receiving the complaint, the division shall give a copy of it to the public utility, carrier, broker , ~~for~~ operator of a tow car **or alternative seller** against whom the complaint is made. Within a reasonable time thereafter, the public utility, carrier, broker , ~~for~~ operator of a tow car **or alternative seller** shall provide the ~~[division]~~ **commission** with its written response to the complaint according to the regulations of the commission.

2. If the division of consumer relations is unable to resolve the complaint, the division shall transmit the complaint, the results of its investigation and its recommendation to the commission. If the commission determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 703.320.

Sec. 23. NRS 703.374 is hereby amended to read as follows:

703.374 1. A court of competent jurisdiction, after hearing, may issue an injunction suspending or staying any final order of the commission if:

- (a) The applicant has filed a motion for a preliminary injunction;
- (b) The applicant has served the motion on the commission and other interested parties within 20 days after the rendition of the order on which the complaint is based;
- (c) The court finds there is a reasonable likelihood that the applicant will prevail on the merits of the matter and will suffer irreparable injury if injunctive relief is not granted; and
- (d) The applicant files a bond or other undertaking to secure the adverse parties in such manner as the court finds sufficient.

2. The decision of the commission on each matter considered shall be deemed reasonable and just until set aside by the court, and in all actions for injunction or otherwise ~~H~~ the burden of proof is upon the party attacking or resisting the order of the commission to

show by clear and satisfactory evidence that the order is unlawful, or unreasonable, as the case may be.

3. If an injunction is granted by the court and the order complained of is one which permanently suspends a schedule of rates and charges or a part thereof filed by any public utility pursuant to NRS 704.070 to 704.110, inclusive, ~~for by any fully regulated carrier or operator of a tow car pursuant to NRS 706.321 to 706.346, inclusive,~~ or which otherwise prevents the schedule or any part thereof from taking effect, the public utility ~~carrier or operator of a tow car~~ complaining may keep in effect or put into effect, as the case may be, the suspended schedule or any part thereof pending final determination by the court having jurisdiction, by filing a bond with the court in such an amount as the court may fix, conditioned upon the refund to persons entitled to the excess amount if the rate or rates so suspended are finally determined by the court to be excessive.

Sec. 24. NRS 703.375 is hereby amended to read as follows:

703.375 1. If a court determines that the rate or rates considered by the commission are excessive, and that the public utility ~~fully regulated carrier or operator of a tow car~~ has collected those excessive rates, the public utility ~~carrier or operator of a tow car~~ shall compute and refund the excess or overpayment of the rate or rates pursuant to a plan approved by the commission ~~:~~
~~—(a) For public utilities,~~ within 60 days after the entry of the final judgment of the court.

~~[(b) For carriers or operators of tow cars, within 120 days after the entry of the final judgment of the court.]~~

2. The public utility ~~carrier or operator of a tow car~~ shall prepare and file with the commission a statement and report in affidavit form stating that all money has been refunded according to the approved plan, and if there are persons to whom payment has not or cannot be made, the names, addresses and individual amounts of the refund must be listed in the report. The statement and report must be filed with the commission ~~:~~

~~—(a) By the public utility~~ within 90 days after the entry of final judgment.

~~[(b) By the carrier or operator of a tow car within 150 days after the entry of final judgment.]~~ The public utility ~~carrier or operator of a tow car~~ shall pay the aggregate amount of the unpaid refunds to the commission.

3. The commission shall:

(a) Retain the aggregate refunds in the public ~~service~~ **utilities** commission regulatory fund subject to the claim of each person entitled thereto for his share in the refund; and

(b) Pay all valid claims which are presented for payment within 2 years after the date of the entry of final judgment of the court. All claimants must identify themselves to the satisfaction of the commission before payment may be made.

4. Any person has a right of action against the commission in the event of a refusal of the commission to pay his claim if the person's name appears in the report filed by the public utility . ~~[- carrier or operator of a tow car.]~~ This action against the commission must be brought within 6 months after the refusal to pay the claim.

5. The commission shall investigate every case in which a claim is presented to it by a person claiming a refund ~~[pursuant to]~~ **under** a plan submitted by a public utility ~~[- carrier or operator of a tow car]~~ which was approved by the commission. If the investigation results in a refusal by the public utility ~~[- carrier or operator of a tow car]~~ to pay a valid claim, the claimant has a right of action against the public utility . ~~[- carrier or operator of a tow car.]~~

6. Any unclaimed money which remains in the custody of the commission at the expiration of the 2-year period escheats to this state.

Sec. 39. ***1. The date upon which customers may begin obtaining generation, aggregation and any other potentially competitive services from an alternative seller must be no later than December 31, 1999, unless the commission determines that a different date is necessary to protect the public interest. If the commission determines that a different date is necessary, the commission shall provide a report to the director of the legislative counsel bureau for transmittal to the legislature by February 1, 1999, which:***

(a) Explains the reason that the commission has not granted such an authorization; and

(b) States whether the commission will grant such an authorization by December 31, 1999.

2. The commission may:

(a) Establish different dates for the provision of different services by alternative sellers in different geographic areas; and

(b) Authorize, in gradual phases, the right to buy from alternative sellers.

3. The commission shall determine that an electric service is a potentially competitive service if provision of the service by alternative sellers:

(a) Will not harm any class of customers;

(b) Will decrease the cost of providing the service to customers in this state or increase the quality or innovation of the service to customers in this state;

(c) Is a service for which effective competition in the market is likely to develop;

(d) Will advance the competitive position of this state relative to surrounding states; and

(e) Will not otherwise jeopardize the safety and reliability of the electric service in this state.

4. If the commission determines that a market for a potentially competitive service does not have effective competition, the commission shall, by regulation, establish the method for determining prices for the service and the terms and conditions for providing the service. The regulations must ensure that the pricing method, terms and conditions are just and reasonable and not unduly discriminatory. The regulations may include pricing alternatives which authorize the seller to reduce prices below maximum pricing levels specified by the commission or any other form of alternative pricing which the commission determines to be consistent with the provisions of this subsection. In determining whether a market for an electric service has effective competition, the commission shall:

(a) Identify the relevant market;

(b) Identify, where feasible, the alternative sellers that participate and are reasonably expected to participate in the relevant market; and

(c) Calculate, where feasible, the market share of each participant in the market and evaluate the significance of each share.

5. On or before October 1, 2000, the commission shall submit to the director of the legislative counsel bureau for transmittal to the appropriate legislative committee a report which:

(a) Evaluates the effectiveness of competition in the market for each service which customers have the right to purchase from alternative sellers; and

(b) Recommends actions which the legislature should take to increase the effectiveness of competition in the markets for all potentially competitive services.

6. On or before October 1, 2001, an electric service that has been found to be potentially competitive shall be deemed to be competitive.

7. The commission may reconsider any determination made pursuant to this section upon its own motion or upon a showing of good cause by a party requesting a reconsideration. Upon a finding by the commission that the market for a service previously found not to have effective competition has become effectively competitive, the commission shall repeal the regulations which established the pricing methods and the terms and conditions for providing that service. The commission shall conduct any

proceedings for the reconsideration of any such determination as expeditiously as practicable considering the current work load of the commission and the need to protect the public interest.

8. A vertically integrated electric utility shall not provide a potentially competitive service except through an affiliate:

(a) On or after December 31, 1999; or

(b) The date on which the commission determines that the service is potentially competitive, whichever is later.

Sec. 113. 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the authority shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the authority by regulation and render them to the authority upon its request.

(b) Furnish an annual report to the authority in the form and detail that it prescribes by regulation.

The regulations of the authority may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the authority to enforce the provisions of NRS 706.010 to 706.791, inclusive.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the authority, prepare the reports required by this section for a year other than a calendar year that the authority specifies and submit them not later than a date specified by the authority in each year.

4. If the authority finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

Sec. 120. 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person, that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.446 to 706.453, inclusive, and sections 10, 11 and 11.5 of Senate Bill No. 451 of this session have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the

handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate, the authority shall investigate the complaint. After receiving the complaint, the authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the authority with its written response to the complaint according to the regulations of the authority.

2. If the authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in section 121 of this act.

Sec. 121. 1. When, in any matter pending before the authority, a hearing is required by law, or is normally required by the authority, the authority shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The authority shall by regulation specify:

(a) The manner of giving notice; and

(b) Where not specified by law, the persons entitled to notice in each type of proceeding.

2. Unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the authority a request that the hearing be held, the authority may dispense with a hearing and act upon the matter pending.

3. If a request for a hearing is filed, the authority shall give at least 10 days' notice of the hearing.

4. If an operator of a tow car files an application for a certificate of public convenience and necessity or an application to transfer a certificate of public convenience and necessity with the authority, the authority shall give notice pursuant to the provisions of subsection 1.

Sec. 129. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS ~~706.011~~ 706.013 to 706.791, inclusive, and sections 8 to 11.5, inclusive, of ~~this act,~~ Senate Bill No. 451 of this session, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, ~~and~~ sections 8 and 9 of ~~this act~~ Senate Bill No. 451 of this session and section 104 of this act, have the meanings ascribed to them in those sections.

Sec. 133. NRS 706.151 is hereby amended to read as follows:

706.151 1. It is hereby declared to be the purpose and policy of the legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to confer upon the ~~commission~~ **authority** the power and to make it the duty of the ~~commission~~ **authority** to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the department the power to license all motor carriers and to make it the duty of the department to enforce the provisions of this chapter and the regulations adopted by the ~~commission~~ **authority** pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this state.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

Sec. 135. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

(a) Affected with a public interest; and

(b) Subject to NRS 706.011 to 706.791, inclusive ~~H~~, **and sections 104 to 128, inclusive, of this act.**

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to

transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The ~~commission~~ **authority** shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 137. NRS 706.166 is hereby amended to read as follows:
706.166 The ~~commission~~ **authority** shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this state in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.010 to 706.791, inclusive.

2. ~~Cooperate with the department in its issuance of permits by performing safety and operational investigations of all persons applying for a permit from the department to transport radioactive waste, and reporting its findings to the department.~~ **Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.**

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the authority ~~of the commission~~ or the department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications

;

- (d) Divisions;
- (e) Allowances; and
- (f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

5. Review decisions of the taxicab authority appealed to the authority pursuant to NRS 706.8819.

Sec. 150. NRS 706.285 is hereby amended to read as follows:

706.285 All advertising by:

- 1. A fully regulated carrier of intrastate commerce; and
- 2. An operator of a tow car,

must include the number of the certificate of public convenience and necessity or contract carrier's permit issued to him by the ~~commission.~~ **authority.**

Sec. 155. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the ~~commission.~~ **authority:**

(a) Within a time to be fixed by the ~~commission.~~ **authority**, schedules and tariffs that must:

- (1) Be open to public inspection; and
- (2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.010 to 706.791, inclusive.

2. Every operator of a tow car shall file with the ~~commission.~~ **authority:**

(a) Within a time to be fixed by the ~~commission.~~ **authority**, schedules and tariffs that must:

- (1) Be open to public inspection; and
- (2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be

charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.010 to 706.791, inclusive.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the ~~{commission,}~~ **authority**, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The ~~{commission,}~~ **authority**, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the ~~{commission}~~ **authority** 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the ~~{commission,}~~ **authority**.

4. The ~~{commission}~~ **authority** may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The ~~{commission}~~ **authority** may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the ~~{commission}~~ **authority** are in force, and are prima facie lawful, from the date of the order until changed or modified by the ~~{commission,}~~ **authority**, or pursuant to ~~[NRS 703.373 to 703.376, inclusive,]~~ **section 125 of this act**.

7. All regulations, practices and service prescribed by the ~~{commission}~~ **authority** must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, ~~[pursuant to the provisions of NRS 703.373 to 703.376, inclusive,]~~ or until changed or modified by the ~~{commission}~~ **authority** itself upon satisfactory showing made.

Sec. 156. NRS 706.323 is hereby amended to read as follows:

706.323 1. Except as otherwise provided in subsection 2, the ~~{commission}~~ **authority** may not investigate, suspend, revise or revoke any rate that is subject to the approval of the ~~{commission}~~ **authority** pursuant to NRS 706.321 and proposed by a common motor carrier or contract motor carrier because the rate is too high or too low and therefore unreasonable if:

(a) The motor carrier notifies the ~~{commission}~~ **authority** that it wishes to have the rate reviewed by the ~~{commission}~~ **authority** pursuant to this subsection; and

(b) The rate resulting from all increases or decreases within 1 year is not more than 10 percent above or 10 percent below the rate in effect 1 year before the effective date of the proposed rate.

2. This section does not limit the ~~{commission's}~~ **authority of the transportation services authority** to investigate, suspend, revise or revoke a proposed rate if the rate would violate the provisions of 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 of and is found to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it is found that the service is inadequate, or that any reasonable service cannot be obtained, the ~~{commission}~~ authority may substitute therefor such other rates, tolls, fares, charges, tariffs, schedules or regulations, measurements, practices, service or acts and make an order relating thereto as may be just and reasonable.

2. When complaint is made of more than one matter, the ~~{commission}~~ authority may order separate hearings upon the several matters complained of at such times and places as it may prescribe.

3. No complaint may at any time be dismissed because of the absence of direct damage to the complainant.

4. The ~~{commission}~~ authority may at any time, upon its own motion, investigate any of the matters listed in subsection 1, and, after a full hearing, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

Sec. 159. NRS 706.341 is hereby amended to read as follows:

706.341 1. An operator of a tow car shall, in the manner prescribed by the ~~{commission}~~ authority, notify the ~~{commission}~~ authority if the operator discontinues providing towing services from an operating terminal or establishes a new operating terminal from which a tow car provides towing services within 30 days after the operator discontinues providing towing services from an operating terminal or commences operations at the new terminal.

2. A common motor carrier, other than an operator of a tow car, authorized to operate by NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act*, shall not discontinue any service established pursuant to the provisions of NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act*, and all other laws relating thereto and made applicable thereto by NRS 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act*, without an order of the ~~{commission}~~ authority granted only after public notice or hearing in the event of protest.

Sec. 160. NRS 706.346 is hereby amended to read as follows:

706.346 1. Except as otherwise provided in subsection 3, a copy, or so much of the schedule or tariff as the ~~{commission}~~

authority determines necessary for the use of the public, must be printed in plain type and posted in every office of a common motor carrier where payments are made by customers or users, open to the public, in such form and place as to be readily accessible to the public and conveniently inspected.

2. Except as otherwise provided in subsection 3, when a schedule or tariff of joint rates or charges is or may be in force between two or more common motor carriers or between any such carrier and a public utility, the schedule or tariff must be printed and posted in the manner prescribed in subsection 1.

3. Only the rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle must be printed and posted by an operator of a tow car pursuant to subsections 1 and 2.

Sec. 163. NRS 706.386 is hereby amended to read as follows:

706.386 It is unlawful, except as otherwise provided in NRS 373.117, 706.446, 706.453 and 706.745, for any fully regulated common motor carrier to operate as a carrier of intrastate commerce and any operator of a tow car to perform towing services within this state without first obtaining a certificate of public convenience and necessity from the ~~{commission}~~ **authority**.

Sec. 164. NRS 706.391 is hereby amended to read as follows:

706.391 1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a motor carrier other than an operator of a tow car, the ~~{commission}~~ **authority** shall fix a time and place for hearing thereon.

2. The ~~{commission}~~ **authority** shall issue such a certificate if it finds that:

(a) The applicant is fit, willing and able to perform the services of a common motor carrier;

(b) The proposed operation will be consistent with the legislative policies set forth in NRS 706.151;

(c) The granting of the certificate will not unreasonably and adversely affect other carriers operating in the territory for which the certificate is sought; and

(d) The proposed service will benefit the traveling and shipping public and the motor carrier business in this state.

3. The ~~{commission}~~ **authority** shall not find that the potential creation of competition in a territory which may be caused by the granting of a certificate, by itself, will unreasonably and adversely affect other carriers operating in the territory for the purposes of paragraph (c) of subsection 2.

4. An applicant for such a certificate has the burden of proving to the ~~{commission}~~ **authority** that the proposed operation will meet the requirements of subsection 2.

5. The ~~commission~~ authority may issue a certificate of public convenience and necessity to operate as a common motor carrier, or issue it for:

- (a) The exercise of the privilege sought.
- (b) The partial exercise of the privilege sought.

6. The ~~commission~~ authority may attach to the certificate such terms and conditions as, in its judgment, the public interest may require.

7. The ~~commission~~ authority may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate.

Sec. 173. NRS 706.446 is hereby amended to read as follows:

706.446 The provisions of this chapter do not require an operator of a tow car who provides towing for a licensed motor club regulated pursuant to chapter 696A of NRS to obtain a certificate of public convenience and necessity or to comply with the regulations or rates adopted by the ~~commission~~ authority to provide that towing.

Sec. 174. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the ~~commission~~ authority before he provides any services other than those services which he provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must file an application with the ~~commission~~.

~~3. The commission~~ authority.

3. The authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the ~~commission~~ authority pursuant to the provisions of this chapter;

(c) Has provided evidence that he has filed with the ~~{commission}~~ **authority** a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that he has filed with the ~~{commission}~~ **authority** schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the ~~{commission}~~ **authority** that the proposed operation will meet the requirements of subsection 3.

5. The ~~{commission}~~ **authority** may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the ~~{commission};~~ **authority;** or

(b) The ~~{commission}~~ **authority** finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 178. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The ~~{commission}~~ **authority** shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. In addition to any other remedies that may be available to the ~~{commission}~~ **authority** to act upon complaints, the ~~{commission}~~ **authority** may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the ~~{commission}~~ **authority** determines to be appropriate.

Sec. 179. NRS 706.4485 is hereby amended to read as follows:

706.4485 A law enforcement agency that maintains and uses a list of operators of tow cars which are called by that agency to provide towing shall not include an operator of a tow car on the list unless he:

1. Holds a certificate of public convenience and necessity issued by the ~~{commission-}~~ **authority.**

2. Complies with all applicable provisions of **this chapter and** chapters 482 ~~[, 484 and 706]~~ **and 484** of NRS.

3. Agrees to respond in a timely manner to requests for towing made by the agency.

4. Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

5. Complies with all standards the law enforcement agency may adopt to protect the health, safety and welfare of the public.

6. Assesses only rates and charges that have been approved by the ~~{commission}~~ authority for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle.

7. The ~~{commission}~~ authority shall not require that an operator of a tow car charge the same rate to law enforcement agencies for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle that the operator charges to other persons for such services.

Sec. 184. NRS 706.461 is hereby amended to read as follows:
706.461 When:

1. A complaint has been filed with the ~~{commission}~~ authority alleging that any vehicle is being operated without a certificate of public convenience and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive ~~{;}~~, and sections 104 to 128, inclusive, of this act; or

2. The ~~{commission}~~ authority has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,
without including the number of his certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, and sections 104 to 128, inclusive, of this act, is being violated, the ~~{commission}~~ authority shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive ~~{-The commission}~~, and sections 104 to 128, inclusive, of this act. The authority shall enforce compliance with the order pursuant to the powers vested in the ~~{commission}~~ authority by NRS 706.011 to 706.791, inclusive, and sections 104 to 128, inclusive, of this act, or by other law.

Sec. 189. NRS 706.6411 is hereby amended to read as follows:

706.6411 1. All motor carriers, other than operators of tow cars, regulated pursuant to NRS 706.011 to 706.791, inclusive, and sections 104 to 128, inclusive, of this act, to whom the certificates, permits and licenses provided by NRS 706.011 to 706.791, inclusive, and sections 104 to 128, inclusive, of this act, have been issued may transfer them to another carrier, other than an operator of a tow car, qualified pursuant to NRS 706.011 to 706.791, inclusive, and sections 104 to 128, inclusive, of this act, but no such transfer is valid for any purpose until a joint application to make the transfer has been made to the ~~{commission}~~ authority by

the transferor and the transferee, and the ~~{commission}~~ authority has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate motor carrier subject to the jurisdiction of the ~~{commission}~~ authority is valid without the ~~{commission's}~~ prior approval of the authority if the effect of the transfer would be to change the corporate control of the carrier or if a transfer of 15 percent or more of the common stock of the carrier is proposed.

2. Except as otherwise provided in subsection 3, the ~~{commission}~~ authority shall fix a time and place for a hearing to be held unless the application is made to transfer the certificate from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners, and may hold a hearing to consider such an application.

3. The ~~{commission}~~ authority may also dispense with the hearing on the joint application to transfer if, upon the expiration of the time fixed in the notice thereof, no protest against the transfer of the certificate or permit has been filed by or in behalf of any interested person.

4. In determining whether or not the transfer of a certificate of public convenience and necessity or a permit to act as a contract motor carrier should be authorized, the ~~{commission}~~ authority shall consider:

(a) The service which has been performed by the transferor and that which may be performed by the transferee.

(b) Other authorized facilities for transportation in the territory for which the transfer is sought.

(c) Whether or not the transferee is fit, willing and able to perform the services of a common or contract motor carrier by vehicle and whether or not the proposed operation would be consistent with the legislative policy set forth in NRS 706.151.

5. Upon a transfer made pursuant to this section, the ~~{commission}~~ authority may make such amendments, restrictions or modifications in a certificate or permit as the public interest may require.

6. No transfer is valid beyond the life of the certificate, permit or license transferred.

Sec. 190. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS ~~{703.191, 703.310, 703.374, 703.375 and}~~ 706.011 to 706.791, inclusive, *and sections 104 to 128, inclusive, of this act*, do not apply to:

(a) The transportation by a contractor licensed by the state contractors' board of his own equipment in his own vehicles from job to job.

(b) Any person engaged in transporting his own personal effects in his own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by him in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 and sections 10, 11 and 11.5 of ~~this act~~ *Senate Bill No. 451 of this session* which authorize the ~~commission~~ *authority* to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to his actual operation as prescribed in this chapter, computed from the date when that operation began.

Sec. 194. NRS 706.761 is hereby amended to read as follows:

706.761 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any private, common or contract motor carrier or broker of any of these services who refuses or fails for a period of 30 days to furnish the ~~{commission}~~ **authority** or department with any report required by either or who fails or refuses to permit any person authorized by the ~~{commission}~~ **authority** or department to inspect such books, accounts, records, minutes or papers on behalf of the ~~{commission}~~ **authority** or department is liable to a penalty in a sum of not less than \$300 nor more than \$500. The penalty may be recovered in a civil action upon the complaint of the ~~{commission}~~ **authority** or department in any court of competent jurisdiction.

2. Each day's refusal or failure is a separate offense, and is subject to the penalty prescribed in this section.

Sec. 195. NRS 706.766 is hereby amended to read as follows:

706.766 1. It is unlawful for any fully regulated carrier or operator of a tow car to charge, demand, collect or receive a greater or less compensation for any service performed by it within this state or for any service in connection therewith than is specified in its fare, rates, joint rates, charges or rules and regulations on file with the ~~{commission,}~~ **authority**, or to demand, collect or receive any fare, rate or charge not specified. The rates, tolls and charges named therein are the lawful rates, tolls and charges until they are changed as provided in this chapter.

2. It is unlawful for any fully regulated carrier or operator of a tow car to grant any rebate, concession or special privilege to any person which, directly or indirectly, has or may have the effect of changing the rates, tolls, charges or payments.

3. Any violation of the provisions of this section subjects the violator to the penalty prescribed in NRS 706.761.

Sec. 196. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any ~~h:~~

~~—(a) Fully regulated carrier;~~

~~—(b) Broker of regulated services;~~

~~—(c) Operator of a tow car; or~~

~~—(d) Other person,}~~ **person** or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the ~~{commission}~~ **authority** or any lawful tariff on file with the ~~{commission}~~ **authority** or who fails, neglects or refuses to obey any lawful order of the ~~{commission}~~ **authority** or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than \$10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the ~~{commission}~~ **authority** in any court of competent jurisdiction.

2. If the ~~{commission}~~ authority does not bring an action to recover the penalty prescribed by subsection 1, the ~~{commission}~~ authority may impose an administrative fine of not more than \$10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the ~~{commission}~~ authority or department pursuant to the provisions of this chapter. A fine imposed by the ~~{commission}~~ authority may be recovered by the ~~{commission}~~ authority only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

3. All administrative fines imposed and collected by the ~~{commission}~~ authority pursuant to subsection 2 are payable to the state treasurer and must be credited to a separate account to be used by the ~~{commission}~~ authority to enforce the provisions of this chapter.

4. A penalty or fine recovered pursuant to this section is not a cost of service for purposes of rate making.

Sec. 228. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

- (a) Any which reflect records of conviction only; and
- (b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

- (a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.
- (b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.
- (c) Reported to the central repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

- (a) Reflect convictions only; or
- (b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. The central repository shall disseminate to a prospective or current employer, upon request, information relating to sexual offenses concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information.

5. Records of criminal history must be disseminated by an agency of criminal justice upon request, to the following persons or governmental entities:

- (a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.
- (b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.
- (c) The state gaming control board.
- (d) The state board of nursing.
- (e) The private investigator's licensing board to investigate an applicant for a license.
- (f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.
- (g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.
- (h) Any agency of criminal justice of the United States or of another state or the District of Columbia.
- (i) Any public utility subject to the jurisdiction of the public ~~service~~ **utilities** commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.
- (j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.
- (k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.
- (l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.
- (m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.
- (n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of 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~~ *this* 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. 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 with respect to a project described in NRS 268.5385, a health and care facility or a supplemental facility for a health and care facility is not required to furnish that evidence;

(d) Determines by resolution that the contemplated lessee, purchaser or other obligor has sufficient financial resources to place the project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement; and

(e) Finds by resolution that the project:

(1) Will provide a public benefit;

(2) Would be compatible with existing facilities in the area adjacent to the location of the project;

(3) Will encourage the creation of jobs for the residents of this state;

(4) Is compatible with the general plan of the city adopted pursuant to chapter 278 of NRS; and

(5) If not exempt from the provisions of subsection 2 of NRS 268.527, will not compete substantially with an enterprise or organization already established in the city or the county within which the city is located.

2. The governing body may refuse to proceed with any project even if all the criteria of subsection 1 are satisfied. If the governing body desires to proceed with any project where any criterion of subsection 1 is not satisfied, it may do so only with the approval of the state board of finance. In requesting the approval, the governing body shall transmit to the state board of finance all evidence received pursuant to subsection 1.

3. If any part of the project or improvements is to be constructed by a lessee or his designee, a purchaser or his designee or an obligor or his designee, the governing body shall provide, or determine that there are provided, sufficient safeguards to ensure

that all money provided by the city will be expended solely for the purposes of the project.

Sec. 276. NRS 354.59883 is hereby amended to read as follows:

354.59883 A city or county shall not adopt an ordinance imposing or increasing a fee:

1. If that ordinance would alter the terms of any existing franchise agreement between the city or county and a public utility.

2. That applies to any public utility which does not derive revenue from customers located within the jurisdiction of the city or county.

3. If, after the adoption of the ordinance:

- (a) Any part of a fee to which the ordinance applies will be based upon any revenue of a public utility other than its revenue from customers located within the jurisdiction of the city or county.

- (b) The total **cumulative** amount of all fees the city or county imposes upon a public utility to which the ordinance applies will exceed:

- (1) Except as otherwise provided in subparagraph (2), 5 percent of the utility's gross revenue from customers located within the jurisdiction of the city or county.

- (2) For a public utility that sells or resells personal wireless services, 5 percent of its gross revenue from the first \$15 charged monthly for each line of access for each of its customers who has a billing address located within the jurisdiction of the city or county.

Sec. 277. NRS 354.59889 is hereby amended to read as follows:

354.59889 ~~{Except as otherwise provided by agreement with all the affected public utilities:}~~

1. A city or county shall not change any of its fees except through the adoption of an ordinance which provides that the change does not become effective until at least 90 days after the city or county complies with the provisions of subsection 3 of NRS 354.59885.

2. The cumulative amount of any increases in fees imposed by a city or county during any period of 24 months must not exceed 1 percent of the gross revenue of any public utility to which the increase applies from customers located within the jurisdiction of that city or county.

Sec. 282. NRS 377A.140 is hereby amended to read as follows:

377A.140 1. Except as otherwise provided in subsection 2, a public transit system in a county whose population is 400,000 or more may, in addition to providing local transportation within the county and the services described in NRS 377A.130, provide:

- (a) Programs to reduce or manage motor vehicle traffic; and

(b) Any other services for a public transit system which are requested by the general public, if those additional services are included and described in a long-range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.

2. Before a regional transportation commission may provide for an on-call public transit system in an area of the county, the 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 incurred in prosecuting the matter. Any amount remaining after such reimbursement must be deposited in the state general fund.

6. Any person aggrieved by a determination of the public ~~{service}~~ **utilities** commission of Nevada pursuant to this section may seek judicial review of the determination in the manner provided by NRS ~~{233B.130 to 233B.150, inclusive.}~~ **703.373.**

Sec. 332. Section 4 of this act is hereby amended to read as follows:

Sec. 4. NRS 703.010 is hereby amended to read as follows:

703.010 As used in this chapter, unless the context otherwise requires:

1. "Alternative seller" has the meaning ascribed to it in section 30 of this act.

2. "Commission" means the public ~~{service}~~ **utilities** commission of Nevada.

~~{3. "Fully regulated carrier" has the meaning ascribed to it in NRS 706.072.}~~

~~{4. "Tow car" has the meaning ascribed to it in NRS 706.131.}~~

~~{5. "Towing services" has the meaning ascribed to it in section 9 of Senate Bill No. 451 of this session.}~~

Sec. 333.5. Section 22 of this act is hereby amended to read as follows:

Sec. 22. NRS 703.310 is hereby amended to read as follows:

703.310 1. When a complaint is made against any public utility ~~{, fully regulated carrier, broker of regulated services, operator of a tow car}~~ or alternative seller by any person, that ~~{:~~
~~—(a) Any~~ **any** of the rates, tolls, charges or schedules for regulated services, or any joint rate or rates ~~{assessed by any public utility, fully regulated carrier or broker of regulated services}~~ are in any respect unreasonable or unjustly discriminatory, ~~{:~~

~~—(b) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle is unreasonable or unjustly discriminatory;~~

~~—(c) Any of the provisions of NRS 706.446 to 706.453, inclusive, and sections 10, 11 and 11.5 of Senate Bill No. 451 of this session have been violated;~~

~~—(d) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, or the service of any broker in connection therewith,]~~ or any regulation, measurement, practice or act affecting or relating to the production, transmission or delivery or furnishing of heat, light, gas, coal slurry, water or power, or any service in connection therewith or the transmission thereof is, in any respect, unreasonable, insufficient or unjustly discriminatory ~~]; or~~

~~—(e) Any]~~, **or that any** service is inadequate, the division of consumer ~~[relations of the commission]~~ **complaint resolution** shall investigate the complaint. After receiving the complaint, the division shall give a copy of it to the public utility ~~]; carrier, broker, operator of a tow car]~~ or alternative seller against whom the complaint is made. Within a reasonable time thereafter, the public utility ~~]; carrier, broker, operator of a tow car]~~ or alternative seller shall provide the commission with its written response to the complaint according to the regulations of the commission.

2. If the division of consumer ~~[relations]~~ **complaint resolution** is unable to resolve the complaint, the division shall transmit the complaint, the results of its investigation and its recommendation to the commission. If the commission determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 703.320.

Sec. 334.5. NRS 703.155, 706.106 and 706.174, **and section 4 of chapter 555, Statutes of Nevada 1997, at page 2666**, are hereby repealed.

Sec. 345. 1. This section and sections 4, 20, 21, 22, 27 to 54, inclusive, 230 to 233, inclusive, 320 to 326, inclusive, **333.7**, 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, **inclusive**, 176, 178 to 221, inclusive, 223 to ~~[229,]~~ **227**, inclusive, **229**, 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, **228** and 330 of this act become effective at 12:01 a.m. on October 1, 1997.

~~[4.—Section 173 of this act 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 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.~~

~~—2.]~~ Section 239 of this act expires by limitation on June 30, 2003.

2. Chapter 482, Statutes of Nevada 1997, at page 2021, is hereby amended by adding thereto a new section to be designated as section 333.7, immediately following section 333.5, to read as follows:

Sec. 333.7. Section 280 of chapter 489, Statutes of Nevada 1997, at page 2333, is hereby amended to read as follows:

Sec. 280. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

- (a) Any which reflect records of conviction only; and
- (b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

- (a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.
- (b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.
- (c) Reported to the central repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

- (a) Reflect convictions only; or
- (b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. The central repository shall disseminate to a prospective or current employer, upon request, information relating to sexual offenses concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information.

5. Records of criminal history must be disseminated by an agency of criminal justice upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The state gaming control board.

(d) The state board of nursing.

(e) The private investigator's licensing board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the public service commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of 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.

Sec. 5. NRS 425.3837 is hereby amended to read as follows:

425.3837 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who ~~is~~ :

(a) *Has 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*

(b) *Is in arrears in the payment for the support of ~~a child.~~ one or more children.*

The notice must include ~~{a statement of the amount of the arrearage and}~~ the information set forth in subsection 2 ~~{,}~~ *and a copy of the subpoena or warrant or a statement of the amount of the arrearage.*

2. If the person does not ~~{satisfy}~~, *within 30 days after he receives the notice required by subsection 1:*

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to ~~{subsection 6 or submit}~~ section 3.8 of this act; or

(c) Submit to the district attorney or other public agency a written request for a hearing, ~~{within 20 days after he receives the notice required by subsection 1,}~~

the district attorney or other public agency shall report the name of that person to the department of motor vehicles and public safety.

3. If a person requests a hearing within the period prescribed in subsection 2, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable. If the master determines that the person *has 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, he shall include in the notice the information set forth in subsection 4. If the master determines that the person is in arrears in the payment for the support of ~~{a child,}~~ one or more children,* he shall include in the notice the information set forth in subsection ~~{4.}~~ 5.

4. *If the master determines that a person who requested a hearing pursuant to subsection 2 has not complied 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 and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the department.*

5. If the master determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of ~~{a child}~~ *one or more children, the master shall notify the person that if he does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, his driver's license and motorcycle driver's license may be subject to suspension. If the person does not agree to enter into such a plan* and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the department.

~~[5.]~~ 6. The district attorney or other public agency shall, within 5 days after the person who *has failed to comply with a subpoena or warrant* is in arrears in the payment for the support of ~~{a child}~~ *one or more children complies with the subpoena or warrant* or satisfies the arrearage pursuant to ~~{subsection 6,}~~ *section 3.8 of this act*, notify the department that the person ~~{no longer in arrears in the payment for the support of a child.}~~
~~—6.]~~ *has complied with the subpoena or warrant or has satisfied the arrearage.*

7. For the purposes of this section ~~{:~~
~~—(a) A person is in arrears in the payment for the support of a child if:~~
~~—(1) He owes more than \$1,000 in payments for the support of a child which are past due and is delinquent for not less than 2 months in payments for the support of a child or any payments ordered by a court for arrearages in such payments; or~~
~~—(2) He has failed to provide medical insurance for a child as required by a court order.~~
~~—(b) A person who is in arrears in the payment for the support of a child may satisfy the arrearage by:~~
~~—(1) Paying all of the past due payments;~~
~~—(2) If unable to pay all of the past due payments, paying the amount of the overdue payments for the preceding 12 months which a court has determined are in arrears; or~~
~~—(3) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.~~
~~—(c) A],~~ *a* person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 5.5. NRS 425.3837 is hereby amended to read as follows:
425.3837 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who ~~{:~~

~~—(a) Has 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~~
~~—(b) Is]~~ *is* in arrears in the payment for the support of one or more children. The notice must include the information set forth in subsection 2 and ~~{a copy of the subpoena or warrant or}~~ a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) ~~{Comply with the subpoena or warrant;~~
~~—(b)]~~ Satisfy the arrearage pursuant to ~~{section 3.8 of this act; or~~
~~—(c)]~~ *subsection 6; o*

r

(b) Submit to the district attorney or other public agency a written request for a hearing, the district attorney or other public agency shall report the name of that person to the department of motor vehicles and public safety.

3. If a person requests a hearing within the period prescribed in subsection 2, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable. If the master determines that the person ~~has 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, he shall include in the notice the information set forth in subsection 4. If the master determines that the person~~ is in arrears in the payment for the support of one or more children, he shall include in the notice the information set forth in subsection ~~5.~~ 4.

4. If the master determines that a person who requested a hearing pursuant to subsection 2 ~~has not complied 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 and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the department.~~

~~5. If the master determines that a person who requested a hearing pursuant to subsection 2~~ is in arrears in the payment for the support of one or more children, the master shall notify the person that if he does not immediately agree to enter into a plan for the repayment of the arrearages that is approved by the district attorney or other public agency, his driver's license and motorcycle driver's license may be subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the department.

~~6.~~ 5. The district attorney or other public agency shall, within 5 days after the person who ~~has failed to comply with a subpoena or warrant or~~ is in arrears in the payment for the support of one or more children ~~complies with the subpoena or warrant or~~ satisfies the arrearage pursuant to ~~section 3.8 of this act,~~ subsection 6, notify the department that the person has ~~complied with the subpoena or warrant or has~~ satisfied the arrearage.

~~7.~~ 6. For the purposes of this section ~~, a~~ :

(a) *A person is in arrears in the payment for the support of one or more children if:*

(1) *He*

:

(I) Owes a total of more than \$1,000 for the support of one or more children for which payment is past due; and

(II) Is delinquent for not less than 2 months in payments for the support of one or more children or any payments ordered by a court for arrearages in such payments; or

(2) He has failed to provide medical insurance for a child as required by a court order.

(b) A person who is in arrears in the payment for the support of one or more children may satisfy the arrearage by:

(1) Paying all of the past due payments;

(2) If he is unable to pay all past due payments:

(I) Paying the amounts of the overdue payments for the preceding 12 months which a court has determined are in arrears; or

(II) Entering into and complying with a plan for the repayment of the arrearages which is approved by the district attorney or other public agency enforcing the order; or

(3) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.

(c) A person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

Sec. 13. NRS 7.030 is hereby amended to read as follows:

7.030 **1.** Each person, before receiving a license to practice law, shall:

~~1.1~~ **(a)** Take, before a person authorized by the laws of this state to administer oaths, the oath prescribed by rule of the supreme court.

~~1.2~~ **(b)** Pay to the clerk of the supreme court the sum of \$25. The clerk of the supreme court shall remit the fees to the state treasurer as provided by subsection 7 of NRS 2.250. The money ~~so~~ received by the state treasurer **pursuant to this paragraph** must be placed in the state general fund.

~~1.3~~ **(c)** Submit to the State Bar of Nevada a complete set of his fingerprints and written permission authorizing the admissions director of the State Bar of Nevada to forward the fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report.

2. An application for a license to practice law must include the social security number of the applicant.

Sec. 17. NRS 90.350 is hereby amended to read as follows:

90.350 **1.** An applicant for licensing as a broker-dealer, sales representative, investment adviser or representative of an investment adviser must file with the administrator an application for licensing and a consent to service of process pursuant to NRS

90.770 and pay the fee required by NRS 90.360. The application for licensing must contain the **social security number of the applicant and any other** information the administrator determines by regulation to be necessary and appropriate to facilitate the administration of this chapter.

2. The requirements of subsection 1 are satisfied by an applicant who has filed and maintains a completed and current registration with the Securities and Exchange Commission or a self-regulatory organization if the information contained in that registration is readily available to the administrator through a central depository system approved by him. Such an applicant must also file a notice with the administrator in the form and content determined by the administrator by regulation and a consent to service of process pursuant to NRS 90.770 and the fee required by NRS 90.360. The administrator, by order, may require the submission of additional information by an applicant.

Sec. 22. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed or ordained minister in good standing within his denomination, whose denomination, governing body and church, or any of them, are incorporated or organized or established in this state, may join together as husband and wife persons who present a marriage license obtained from any county clerk of the state, if the minister first obtains a certificate of permission to perform marriages as provided in this section , **sections 20 and 21 of this act** and NRS 122.064 to 122.073, inclusive. The fact that a minister is retired does not disqualify him from obtaining a certificate of permission to perform marriages if, before his retirement, he had active charge of a congregation within this state for a period of at least 3 years.

2. A temporary replacement for a licensed or ordained minister certified pursuant to this section , **sections 20 and 21 of this act** and NRS 122.064 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 during such time as he may be authorized to do so by the county clerk in the county in which he is a temporary replacement, for a period not to exceed 90 days. The minister whom he temporarily replaces shall provide him with a written authorization which states the period during which it is effective.

3. Any chaplain who is assigned to duty in this state by the Armed Forces of the United States may solemnize marriages if he obtains a certificate of permission to perform marriages from the county clerk of the county in which his duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof by him of his military status as a chaplain and of his assignment.

4. A county clerk may authorize a licensed or ordained minister whose congregation is in another state to perform marriages in the

county if the county clerk satisfies himself that the minister is in good standing with his denomination or church. The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. Such a minister may perform not more than five marriages in this state in any calendar year.

Sec. 113. NRS 482.363 is hereby amended to read as follows:

482.363 1. Except as otherwise provided in subsection ~~6.1~~ 7, a person who engages in the leasing of vehicles in this state as a long-term or short-term lessor shall:

- (a) Secure a license from the department to conduct the leasing business;
- (b) Post a bond;
- (c) Furnish the department with any other information as may be required;
- (d) Comply with the terms and conditions of this chapter which apply to vehicle dealers; ~~and~~
- (e) *If the applicant is a natural person, submit the statement required pursuant to section 104 of this act; and*
- (f) Pay a license fee of \$125.

2. Except as otherwise provided in subsection ~~6.1~~ 7, a short-term lessor shall, in addition to the license fee specified in subsection 1, pay a fee of \$125 for each branch to be operated pursuant to the license.

3. Any person employed by a long-term lessor licensed under the provisions of subsection 1 who engages in the practice of arranging or selling such services, and any person employed by a short-term lessor who sells, offers or displays for sale or exchange vehicles which are owned by ~~such~~ *the* short-term lessor shall, before commencing operations, and annually thereafter:

- (a) Secure from the department a license to act as a salesman of such services; and
- (b) Comply with the terms and conditions which apply to salesmen of vehicles as specified in NRS 482.362.

4. *An application for the issuance of a license pursuant to this section must include the social security number of the applicant.*

5. Licenses issued pursuant to subsection 1 expire on December 31 of each year. Before December 31 of each year, licensees shall furnish the department with an application for renewal of the license accompanied by an annual renewal fee of \$50. Except as otherwise provided in subsection ~~6.1~~ 7, a short-term lessor shall, in addition to the annual renewal fee, pay an annual fee of \$50 for each branch to be operated pursuant to the license. *If the applicant is a natural person, the application for renewal also must be accompanied by the statement required pursuant to section 104 of this act.* The

renewal application must be provided by the department and must contain information required by the department.

~~5.1~~ 6. The provisions of NRS 482.352, relating to the denial, revocation or suspension of licenses, apply to licenses issued pursuant to the provisions of subsection 1. The provisions of NRS 482.362, relating to the denial, revocation, suspension and transfer of vehicle salesmen's licenses, apply to licenses issued pursuant to the provisions of subsection 3.

~~6.1~~ 7. The provisions of subsections 1, 2 and ~~4~~ 5 which relate to the licensing of lessors of vehicles do not apply to:

(a) An owner of a vehicle who leases it to a carrier and operates the vehicle pursuant to that lease; or

(b) A new or used vehicle dealer licensed pursuant to the provisions of NRS 482.325 who engages in the leasing of vehicles in this state as a long-term lessor.

~~7.1~~ 8. As used in this section, "carrier" has the meaning ascribed to it in section 3 of Assembly Bill No. 133 of this session.

Sec. 168. NRS 544.070 is hereby amended to read as follows:

544.070 As used in NRS 544.070 to 544.240, inclusive, **and sections 165, 166 and 167 of this act**, unless the context requires otherwise:

1. "Director" means the director of the state department of conservation and natural resources.

2. "Operation" means:

(a) The performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year; or

(b) If the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year.

3. "Research and development" means theoretical analysis, exploration and experimentation and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes.

4. "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Sec. 173. NRS 555.2605 is hereby amended to read as follows:
555.2605 As used in NRS 555.2605 to 555.460, inclusive, *and sections 171 and 172 of this act*, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in those sections.

Sec. 184. NRS 581.103 is hereby amended to read as follows:

581.103 1. Any person who wishes to make any repair or adjustment, for hire, to a weighing or measuring device must submit to the state sealer of weights and measures:

(a) An application for a certificate of registration on a form provided by the state sealer of weights and measures;

(b) *The statement required pursuant to section 182 of this act;*

(c) The annual fee prescribed by regulation pursuant to NRS 581.075; and

~~(e)~~ (d) The equipment the person will use to repair or adjust weighing or measuring devices. The state sealer of weights and measures shall inspect the equipment to ensure that the equipment complies with the standards set forth in the regulations adopted pursuant to NRS 581.050.

2. *An application for a certificate of registration must include the social security number of the applicant.*

3. The state sealer of weights and measures shall issue to any person who complies with the requirements of subsection 1 a certificate of registration. The certificate must include a unique registration number.

~~3.~~ 4. A certificate of registration is effective for the calendar year in which it is issued, and may be renewed upon application on or before January 15 of the succeeding year. Any person who, for hire, makes a repair or adjustment to a weighing or measuring device without being registered pursuant to this section shall be punished as provided in NRS 581.450.

~~4.~~ 5. Except as otherwise provided in NRS 581.104, any person who sells or installs or makes any repair or adjustment to a commercially used weighing or measuring device shall within 24 hours notify the state sealer of weights and measures, on a form provided by the state sealer of weights and measures, of that repair, adjustment, sale or installation. If a person who has been issued a certificate of registration pursuant to subsection ~~2~~ 3 fails to notify the state sealer of weights and measures as required by this subsection, the state sealer of weights and measures may suspend the certificate of registration of that person for not more than 10 days and may, after a hearing, revoke his certificate of registration.

~~5.~~ 6. The form required pursuant to subsection ~~4~~ 5 must include:

(a) The registration number and signature of the person who sold, installed, repaired or adjusted the device; and

(b) A statement requesting that the state sealer of weights and measures inspect the weighing or measuring device and seal or mark it if it complies with the standards set forth in the regulations adopted pursuant to NRS 581.050.

~~[6.]~~ 7. Any person required to register pursuant to subsection 1 who employs any other person to make any repair or adjustment to a weighing or measuring device is responsible for the registration of that employee in the manner required by subsection 1.

~~[7.]~~ 8. The provisions of this section do not apply to a public utility subject to the jurisdiction of the public utilities commission of Nevada.

Sec. 194. NRS 587.290 is hereby amended to read as follows:

587.290 As used in NRS 587.290 to 587.450, inclusive, **and sections 191, 192 and 193 of this act**, unless the context otherwise requires, "agricultural products" includes horticultural, viticultural, dairy, bee and farm products.

Sec. 219. NRS 623.220 is hereby amended to read as follows:

623.220 1. The board shall issue a certificate of registration as an architect or a residential designer, upon payment of a registration fee pursuant to NRS 623.310, to any applicant who complies with the provisions of NRS 623.190 **and section 214 of this act** and passes the examinations, or in lieu thereof brings himself within the provisions of NRS 623.210.

2. The board shall issue a certificate of registration to practice as a registered interior designer upon payment of a registration fee pursuant to NRS 623.310 to any applicant who complies with the provisions of NRS 623.192 and 623.200 ~~[.]~~ **and section 214 of this act**.

3. Certificates of registration must ~~[show]~~ **include** the full name of the registrant, have a serial number and be signed by the chairman and the secretary of the board under seal of the board. The issuance of a certificate of registration by the board is evidence that the person named therein is entitled to all the rights and privileges of an architect, registered interior designer or residential designer while the certificate remains unsuspended, unrevoked and unexpired.

Sec. 231. NRS 624.283 is hereby amended to read as follows:

624.283 1. Each license issued under the provisions of this chapter expires 1 year after the date on which it is issued, except that the board may by regulation prescribe shorter or longer periods and prorated fees to establish a system of staggered renewals. Any license which is not renewed on or before the date for renewal is automatically suspended.

2. A license may be renewed by ~~[filing with]~~ **submitting to** the board ~~[an]~~ :

(a) **An** application for renewal ~~[and payment of the]~~ ;

(b) The statement required pursuant to section 228 of this act if the holder of the license is a natural person; and

(c) The fee for renewal fixed by the board.

3. The board may require the licensee to submit at any time a financial statement that is prepared by a certified public accountant, if the board believes that:

(a) The licensee did not pay an undisputed debt;

(b) The licensee has violated or may be violating a provision of chapter 624 of NRS or a regulation adopted pursuant thereto; or

(c) The licensee's financial responsibility may be impaired.

4. If a license is automatically suspended pursuant to subsection 1, the licensee may have his license reinstated upon filing an application for renewal within 6 months after the date of suspension and paying, in addition to the fee for renewal, a fee for reinstatement fixed by the board, if he is otherwise in good standing and there are no complaints pending against him. If he is otherwise not in good standing or there is a complaint pending, the board shall require him to provide a current financial statement prepared by a certified public accountant or establish other conditions for reinstatement. *If the licensee is a natural person, his application for renewal must be accompanied by the statement required pursuant to section 228 of this act.* A license which is not reinstated within 6 months after it is automatically suspended may be canceled by the board, and a new license may be issued only upon application for an original contractor's license.

Sec. 249. *1. An applicant for the issuance or renewal of a license to practice medicine or to practice as a physician's assistant shall submit to the board the statement prescribed by the welfare division of the department of human resources pursuant to section 3 of this act. The statement must be completed and signed by the applicant.*

2. The board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the board.

3. A license to practice medicine or to practice as a physician's assistant may not be issued or renewed by the board if the applicant:

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

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

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

Sec. 250. *1. If the board receives a copy of a court order issued pursuant to section 3.4 of this act that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice medicine or to practice as a physician's assistant, the board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to section 3.6 of this act stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to section 3.8 of this act.*

2. The board shall reinstate a license to practice medicine or to practice as a physician's assistant that has been suspended by a district court pursuant to section 3.4 of this act if the board receives a letter issued by the district attorney or other public agency pursuant to section 3.6 of this act to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to section 3.8 of this act.

Sec. 251. NRS 630.165 is hereby amended to read as follows:

630.165 1. An applicant for a license to practice medicine must submit to the board, on a form provided by the board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material ~~are~~ **is** complete and correct.

2. An application submitted pursuant to subsection 1 must include the social security number of the applicant.

3. In addition to the other requirements for licensure, the board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

~~[3.]~~ *4. The applicant bears the burden of proving and documenting his qualifications for licensure.*

Sec. 254. NRS 630.273 is hereby amended to read as follows:

630.273 The board may issue a license to an applicant who is qualified under the regulations of the board to perform medical services under the supervision of a supervising physician. The application for a license as a physician's assistant must **include the social security number of the applicant and** be cosigned by the supervising physician.

Sec. 381. NRS 642.090 is hereby amended to read as follows:

642.090 1. Every person who wishes to practice the profession of embalming ~~{shall}~~ **must** appear before the board and, upon payment of a fee not to exceed \$300 to cover expenses of examination, must be examined in the knowledge of the subjects set forth in subsection 2. Examinations must be in writing, and the board may require actual demonstration on a cadaver. If an applicant has previously taken and passed the national examination given by the Conference of Funeral Service Examining Boards of the United States, the applicant need not retake that examination for purposes of licensing in the State of Nevada. All examination papers must be kept on record by the board.

2. The members of the board shall examine applicants for licenses in the following subjects:

- (a) Anatomy, sanitary science and signs of death.
- (b) Care, disinfection, preservation, transportation of and burial or other final disposition of dead bodies.
- (c) The manner in which death may be determined.
- (d) The prevention of the spread of infectious and contagious diseases.
- (e) Chemistry, including toxicology.
- (f) Restorative art, including plastic surgery and derma surgery.
- (g) Regulations of the state board of health relating to infectious diseases and quarantine.
- (h) Any other subject which the board may determine by regulation to be necessary or proper to prove the efficiency and qualification of the applicant.

3. If an applicant fulfills the requirements of NRS 642.080 **and section 378 of this act** and has passed the examination provided for by this chapter, the board shall issue to the applicant a license to practice the profession of embalming for 1 year.

Sec. 473. **1. A natural person who applies for the issuance or renewal of a license shall submit to the commissioner the statement prescribed by the welfare division of the department of human resources pursuant to section 3 of this act. The statement must be completed and signed by the applicant.**

2. The commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the commissioner.

3. A license may not be issued or renewed by the commissioner if the applicant is a natural person who:

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

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

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

5. As used in this section, "license" means:

(a) A license as an adjuster;

(b) A license as an associate adjuster; and

(c) A limited license issued pursuant to section 18.5 of chapter 603, Statutes of Nevada 1997, at page 3027.

Sec. 474. 1. If the commissioner receives a copy of a court order issued pursuant to section 3.4 of this act that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license, the commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to section 3.6 of this act stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to section 3.8 of this act.

2. The commissioner shall reinstate a license that has been suspended by a district court pursuant to section 3.4 of this act if the commissioner receives a letter issued by the district attorney or other public agency pursuant to section 3.6 of this act to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to section 3.8 of this act.

3. As used in this section, "license" means

:

- (a) A license as an adjuster;*
- (b) A license as an associate adjuster; and*
- (c) A limited license issued pursuant to section 18.5 of chapter 603, Statutes of Nevada 1997, at page 3027.*

Sec. 496. NRS 689.235 is hereby amended to read as follows:

689.235 1. To qualify for an agent's license, the applicant:

- (a) Must file a written application with the commissioner on forms prescribed by the commissioner;
- (b) Must have a good business and personal reputation; and
- (c) Must not have been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

- (a) Contain information concerning the applicant's identity, address, *social security number and* personal background and business, professional or work history.
- (b) Contain such other pertinent information as the commissioner may require.
- (c) Be accompanied by a complete set of ~~this~~ *the* fingerprints *of the applicant* and written permission authorizing the commissioner to forward those fingerprints to the Federal Bureau of Investigation for its report.
- (d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.
- (e) *Be accompanied by the statement required pursuant to section 494 of this act.*

(f) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty or nolo contendere by, an applicant or licensee for any crime listed in paragraph (c) of subsection 1 is a sufficient ground for the commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.265.

Sec. 498. NRS 689.520 is hereby amended to read as follows:

689.520 1. To qualify for an agent's license, the applicant:

- (a) Must file a written application with the commissioner on forms prescribed by the commissioner; and
- (b) Must not have been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must

:

(a) Contain information concerning the applicant's identity, address, **social security number**, personal background and business, professional or work history.

(b) Contain such other pertinent information as the commissioner may require.

(c) Be accompanied by a complete set of fingerprints and written permission authorizing the commissioner to forward those fingerprints to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

(e) ***Be accompanied by the statement required pursuant to section 494 of this act.***

(f) Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable.

3. A conviction of, or plea of guilty or nolo contendere by, an applicant or licensee for any crime listed in paragraph (b) of subsection 1 is a sufficient ground for the commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.535.

Sec. 508. NRS 692B.070 is hereby amended to read as follows:

692B.070 1. A written application for any permit required under NRS 692B.040 must be filed with the commissioner. The application must include or be accompanied by:

(a) The name, type and purposes of the insurer, corporation, syndicate, association, firm or organization formed or proposed to be formed or financed;

(b) The name, residence address, business background and experience for the preceding 10 years and qualifications of each person associated or to be associated as incorporator, director, promoter, manager or in other similar capacity in the enterprise, or in the formation of the proposed insurer, corporation, syndicate, association, firm or organization, or in the proposed financing, together with the fingerprints of each individual so associated or to be associated, on forms furnished by the commissioner;

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

(d) Executed quadruplicate originals of the articles of incorporation of a proposed domestic stock or mutual insurer;

(e) The original and one copy of the proposed bylaws of a proposed domestic stock or mutual insurer;

(f) The plan according to which solicitations are to be made and a reasonably detailed estimate of all organization and sales expenses to be incurred in the proposed organization and offering;

(g) A copy of any security, receipt or certificate proposed to be offered, and a copy of any proposed subscription agreement or application therefor;

(h) A copy of any prospectus, offering circular, advertising or sales literature or material proposed to be used;

(i) A copy of the proposed form of any escrow agreement required;

(j) A copy of:

(1) The articles of incorporation of any corporation, other than a proposed domestic insurer, proposing to offer its securities, certified by the public officer having custody of the original thereof;

(2) Any syndicate, association, firm, organization or other similar agreement, by whatever name called, if funds for any of the purposes referred to in subsection 1 of NRS 692B.040 are to be secured through the sale of any security, interest or right in or relative to such syndicate, association, firm or organization; and

(3) If the insurer is, or is to be, a reciprocal insurer, the power of attorney and of other agreements existing or proposed affecting subscribers, investors, the attorney in fact or the insurer; ~~and~~

(k) *If the applicant is a natural person, the statement required pursuant to section 506 of this act; and*

(l) Such additional pertinent information as the commissioner may reasonably require.

2. The application must be accompanied by a deposit of the fees required under NRS 680B.010 for the filing of the application and for issuance of the permit, if granted.

3. *If the applicant is a natural person, the application must include the social security number of the applicant.*

4. In lieu of a special filing thereof of information required by subsection 1, the commissioner may accept a copy of any pertinent filing made with the Securities and Exchange Commission relative to the same offering.

Sec. 509. NRS 692B.190 is hereby amended to read as follows:

692B.190 1. No person may in this state solicit subscription to or purchase of any security covered by a solicitation permit issued under this chapter, unless then licensed therefor by the commissioner.

2. Such a license may be issued only to natural persons, and the commissioner shall not license any person found by him to be:

(a) Dishonest or untrustworthy;

(b) Financially irresponsible;

(c) Of unfavorable personal or business history or reputation; o

r

(d) For any other cause, reasonably unsuited for fulfillment of the responsibilities of such a licensee.

3. The applicant for such a license must file his written application therefor with the commissioner, on forms and containing inquiries as designated and required by the commissioner. The application must **include the social security number of the applicant and** be endorsed by the holder of the permit under which the securities are proposed to be sold. The application must be accompanied by the fingerprints of the applicant on forms furnished by the commissioner, and by the application fee specified in NRS 680B.010. The commissioner shall promptly cause an investigation to be made of the identity and qualifications of the applicant.

4. The license, if issued, must be for the period of the permit, and must automatically be extended if the permit is extended.

5. The commissioner shall revoke the license if at any time after issuance he has found that the license was obtained through misrepresentation or concealment of facts, or that the licensee is no longer qualified therefor, or that the licensee has misrepresented the securities offered, or has otherwise conducted himself in or with respect to transactions under the license in a manner injurious to the permit holder or to subscribers or prospects or the public.

6. This section does not apply to securities broker-dealers registered as such under the Securities Exchange Act of 1934, or with respect to securities the sale of which is underwritten, other than on a best efforts basis, by such a broker-dealer.

7. With respect to solicitation of subscriptions to or purchase of securities covered by a solicitation permit issued by the commissioner, the license required by this section is in lieu of a license or permit otherwise required of the solicitor under any other law of this state.

Sec. 509.4. NRS 696A.260 is hereby amended to read as follows:

696A.260 1. An application for a license as a club agent must be submitted to the commissioner upon forms prescribed and furnished by him. **If the applicant is a natural person, the application must include the social security number of the applicant.** As a part of, or in connection with, any application, the applicant shall furnish information concerning his identity, personal history, experience, business record and other pertinent facts which the commissioner may reasonably require.

2. If the applicant is a firm, partnership or corporation, the application, in addition to the requirements of subsection 1, shall:

(a) Contain the names of all members and officers of the firm, partnership or corporation; and

(b) Designate who is to exercise the powers to be conferred by the license on the firm, partnership or corporation.

3. The commissioner shall require each natural person of a firm, partnership or corporation to furnish information to him as though applying for an individual license.

4. Any person willfully misrepresenting any fact required to be disclosed in any application is subject to the penalties provided in NRS 696A.350.

Sec. 511. *1. A natural person who applies for the issuance or renewal of a bail agent's, general agent's, bail enforcement agent's or bail solicitor's license shall submit to the commissioner the statement prescribed by the welfare division of the department of human resources pursuant to section 3 of this act. The statement must be completed and signed by the applicant.*

2. The commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the commissioner.

3. A bail agent's, general agent's, bail enforcement agent's or bail solicitor's license may not be issued or renewed by the commissioner if the applicant is a natural person who:

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

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

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

Sec. 512. *1. If the commissioner receives a copy of a court order issued pursuant to section 3.4 of this act that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a bail agent's, general agent's, bail enforcement agent's or bail solicitor's license, the commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the*

commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to section 3.6 of this act stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to section 3.8 of this act.

2. The commissioner shall reinstate a bail agent's, general agent's, bail enforcement agent's or bail solicitor's license that has been suspended by a district court pursuant to section 3.4 of this act if the commissioner receives a letter issued by the district attorney or other public agency pursuant to section 3.6 of this act to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to section 3.8 of this act.

Sec. 513. NRS 697.180 is hereby amended to read as follows:

697.180 1. A written application for a license as a bail agent, general agent, bail enforcement agent or bail solicitor must be filed with the commissioner by the applicant, accompanied by the applicable fees. The application form must **include the social security number of the applicant and** be accompanied by the applicant's fingerprints, and must require full answers to questions reasonably necessary to determine the applicant's:

(a) Identity and residence.

(b) Business record or occupations for not less than the 2 years immediately preceding the date of the application, with the name and address of each employer, if any.

(c) Prior criminal history, if any.

2. The commissioner may require the submission of such other information as may be required to determine the applicant's qualifications for the license for which he applied.

3. The applicant must verify his application. An applicant for a license under this chapter shall not knowingly misrepresent or withhold any fact or information called for in the application form or in connection therewith.

Sec. 514. NRS 697.230 is hereby amended to read as follows:

697.230 1. Except as otherwise provided in section 9 of ~~this act,~~ **Senate Bill No. 194 of this session,** each license issued to a general agent, bail agent, bail enforcement agent or bail solicitor under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of the applicable fee for renewal to the commissioner on or before the last day of the month in which the license is renewable. The fee must be accompanied by:

(a) Proof that the licensee has completed a 3-hour program of continuing education that is:

(1) Offered by the authorized surety insurer from whom he received his written appointment, if any, a state or national organization of bail agents or another organization that administers training programs for general agents, bail agents, bail enforcement agents or bail solicitors; and

(2) Approved by the commissioner; ~~and~~

(b) *If the licensee is a natural person, the statement required pursuant to section 511 of this act; and*

(c) A written request for renewal of the license. The request must be made and signed:

(1) By the licensee in the case of the renewal of a license as a general agent, bail enforcement agent or bail agent.

(2) By the bail solicitor and the bail agent who employs the solicitor in the case of the renewal of a license as a bail solicitor.

2. Any license that is not renewed on or before the last day specified for its renewal expires at midnight on that day. The commissioner may accept a request for renewal received by him within 30 days after the date of expiration if the request is accompanied by a fee for renewal of 150 percent of the fee otherwise required ~~and~~ *and, if the person requesting renewal is a natural person, the statement required pursuant to section 511 of this act.*

3. A bail agent's license continues in force while there is in effect an appointment of him as a bail agent of one or more authorized insurers. Upon termination of all the bail agent's appointments and his failure to replace any appointment within 30 days thereafter, his license expires and he shall promptly deliver his license to the commissioner.

4. The commissioner shall terminate the license of a general agent for a particular insurer upon a written request by the insurer.

5. This section does not apply to temporary licenses issued under section 9 of ~~this act~~ *Senate Bill No. 194 of this session* or NRS 683A.300.

Sec. 515. Section 36 of chapter 512, Statutes of Nevada 1995, at page 1705, is hereby amended to read as follows:

Sec. 36. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. An applicant for a certificate of registration to practice as a registered interior designer must be of good moral character and submit to the board:

(a) An application on a form provided by the board;

(b) The fees required pursuant to NRS 623.310;

(c) The statement required pursuant to section 214 of ~~this act~~ *chapter 483, Statutes of Nevada 1997;*

(d) Proof which is satisfactory to the board that he has completed:

(1) At least 5 years of education in a program of interior design or an equivalent number of credits and at least 1 year of experience in interior design; *or*

(2) At least 4 years of education in a program of interior design or an equivalent number of credits and at least 2 years of experience in interior design;

~~[(3) At least 3 years of education in a program of interior design or an equivalent number of credits and at least 3 years of experience in interior design;~~

~~—(4) At least 2 years of education in a program of interior design or an equivalent number of credits and at least 4 years of experience in interior design; or~~

~~—(5) At least 6 consecutive years of experience in the practice of interior design;]~~ and

(e) A certificate issued by the National Council for Interior Design Qualification as proof that he has passed the 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,~~ 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.

~~3.~~ 4. Sections 113, 132, 134 and 135 of this act become effective at 12:02 a.m. on October 1, 1997.

~~4.~~ 5. Section 5.5 of this act becomes effective 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:

(a) 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

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

2. Chapter 483, Statutes of Nevada 1997, at page 2036, is hereby amended by adding thereto a new section to be designated as section 16.5, immediately following section 16, to read as follows:

Sec. 16.5. NRS 90.350 is hereby amended to read as follows:

90.350 1. An applicant for licensing as a broker-dealer, sales representative, investment adviser or representative of an investment adviser ~~shall~~ must file with the administrator an application for licensing and a consent to service of process pursuant to NRS 90.770 and pay the fee required by NRS 90.360. The application for licensing must contain the information the administrator determines by regulation to be necessary and appropriate to facilitate the administration of this chapter.

2. The requirements of subsection 1 are satisfied by an applicant who has filed and maintains a completed and current registration with the Securities and Exchange Commission or a self-regulatory organization if the information contained in that registration is readily available to the administrator through a central depository system approved by him. Such an applicant must also file a notice with the administrator in the form and content

determined by the administrator by regulation and a consent to service of process pursuant to NRS 90.770 and the fee required by NRS 90.360. The administrator, by order, may require the submission of additional information by an applicant.

3. Chapter 483, Statutes of Nevada 1997, at page 2040, is hereby amended by adding thereto a new section to be designated as section 21.5, immediately following section 21, to read as follows:

Sec. 21.5. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed or ordained minister in good standing within his denomination, whose denomination, governing body and church, or any of them, are incorporated or organized or established in ~~the State of Nevada,~~ **this state**, may join together as husband and wife persons who present a marriage license obtained from any county clerk of the state, if ~~such~~ **the** minister first obtains a certificate of permission to perform marriages as provided in this section and NRS 122.064 to 122.073, inclusive. The fact that a minister is retired does not disqualify him from obtaining a certificate of permission to perform marriages if, before his retirement, he had active charge of a congregation within this state for a period of at least 3 years.

2. A temporary replacement for a licensed or ordained minister certified pursuant to this section and NRS 122.064 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 during such time as he may be authorized to do so by the county clerk in the county in which he is a temporary replacement, for a period not to exceed 90 days. The minister whom he temporarily replaces shall provide him with a written authorization which states the period during which it is effective.

3. Any chaplain who is assigned to duty in this state by the Armed Forces of the United States may solemnize marriages ~~if~~ if he obtains a certificate of permission to perform marriages from the county clerk of the county in which his duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof by him of his military status as a chaplain and of his assignment.

4. A county clerk may authorize a licensed or ordained minister whose congregation is in another state to perform marriages in the county ~~if~~ if the county clerk satisfies himself that the minister is in good standing with his denomination or church. The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. Such a minister may perform not more than five marriages in this state in any calendar year.

4. Chapter 483, Statutes of Nevada 1997, at page 2090, is hereby amended by adding thereto a new section to be designated as section 167.5, immediately following section 167, to read as follows:

Sec. 167.5. NRS 544.070 is hereby amended to read as follows:

544.070 As used in NRS 544.070 to 544.240, inclusive, unless the context requires otherwise:

1. "Director" means the director of the state department of conservation and natural resources.

2. "Operation" means ~~the~~ :

(a) *The* performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year ~~or, if~~ ; *or*

(b) *If* the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, ~~["operation" means]~~ *the* performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding 1 year.

3. "Research and development" means theoretical analysis, exploration and experimentation and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes.

4. "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

5. Chapter 483, Statutes of Nevada 1997, at page 2092, is hereby amended by adding thereto a new section to be designated as section 172.5, immediately following section 172, to read as follows:

Sec. 172.5. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, *unless the context otherwise requires*, the words and terms defined in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in ~~such sections unless the context otherwise requires.~~ *those sections.*

6. Chapter 483, Statutes of Nevada 1997, at page 2101, is hereby amended by adding thereto a new section to be designated as section 193.5, immediately following section 193, to read as follows:

Sec. 193.5. NRS 587.290 is hereby amended to read as follows:

587.290 As used in NRS 587.290 to 587.450, inclusive, **unless the context otherwise requires**, “agricultural products” includes horticultural, viticultural, dairy, bee and ~~any and all~~ farm products.

7. Chapter 483, Statutes of Nevada 1997, at page 2203, is hereby amended by adding thereto a new section to be designated as section 507.5, immediately following section 507, to read as follows:

Sec. 507.5. NRS 692B.070 is hereby amended to read as follows:

692B.070 1. ~~Written~~ **A written** application for any permit required under NRS 692B.040 ~~shall~~ **must** be filed with the commissioner. The application ~~shall show,~~ **must include** or be accompanied by:

(a) The name, type and purposes of the insurer, corporation, syndicate, association, firm or organization formed or proposed to be formed or financed;

(b) The name, residence address, business background and experience for the preceding 10 years and qualifications of each person associated or to be associated as incorporator, director, promoter, manager or in other similar capacity in the enterprise, or in the formation of the proposed insurer, corporation, syndicate, association, firm or organization, or in the proposed financing, together with the fingerprints of each individual so associated or to be associated, on forms furnished by the commissioner;

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

(d) Executed quadruplicate originals of the articles of incorporation of a proposed domestic stock or mutual insurer;

(e) The original and one copy of the proposed bylaws of a proposed domestic stock or mutual insurer;

(f) The plan according to which solicitations are to be made ~~to~~ and a reasonably detailed estimate of all organization and sales expenses to be incurred in the proposed organization and offering;

(g) A copy of any security, receipt or certificate proposed to be offered, and a copy of any proposed subscription agreement or application therefor;

(h) A copy of any prospectus, offering circular, advertising or sales literature or material proposed to be used;

(i) A copy of the proposed form of any escrow agreement required;

(j) A copy of:

(1) The articles of incorporation of any corporation, other than a proposed domestic insurer, proposing to offer its securities, certified by the public officer having custody of the original thereof;

(2) Any syndicate, association, firm, organization or other similar agreement, by whatever name called, if funds for any of the purposes referred to in subsection 1 of NRS 692B.040 are to be secured through the sale of any security, interest or right in or relative to such syndicate, association, firm or organization; and

(3) If the insurer is, or is to be, a reciprocal insurer, the power of attorney and of other agreements existing or proposed affecting subscribers, investors, the attorney in fact or the insurer; and

(k) Such additional pertinent information as the commissioner may reasonably require.

2. The application ~~{shall}~~ **must** be accompanied by a deposit of the fees required under NRS 680B.010 ~~{(fee-schedule)}~~ for the filing of the application and for issuance of the permit, if granted.

3. In lieu of a special filing thereof of information ~~{called for in}~~ **required by** subsection 1, the commissioner may ~~{, in his discretion,}~~ accept a copy of any pertinent filing made with the Securities and Exchange Commission relative to the same offering.

8. Chapter 483, Statutes of Nevada 1997, at page 2204, is hereby amended by adding thereto a new section to be designated as section 508.5, immediately following section 508, to read as follows:

Sec. 508.5. NRS 692B.190 is hereby amended to read as follows:

692B.190 1. No person ~~{shall}~~ **may** in this state solicit subscription to or purchase of any security covered by a solicitation permit issued under this chapter, unless then licensed therefor by the commissioner.

2. Such a license ~~{shall}~~ **may** be issued only to ~~{individuals,}~~ **natural persons**, and the commissioner shall not license any ~~{individual}~~ **person** found by him to be:

- (a) Dishonest or untrustworthy;
- (b) Financially irresponsible;
- (c) Of unfavorable personal or business history or reputation; or
- (d) For any other cause, reasonably unsuited for fulfillment of the responsibilities of such a licensee.

3. The applicant for such a license ~~{shall}~~ **must** file his written application therefor with the commissioner, on forms and containing inquiries as designated and required by the commissioner. The application ~~{shall}~~ **must** be endorsed by the holder of the permit under which the securities are proposed to be sold. The application ~~{shall}~~ **must** be accompanied by the fingerprints of the applicant on forms furnished by the commissioner, and by the application fee specified in NRS

680B.010 . ~~{(fee-schedule).}~~ The commissioner shall promptly cause an investigation to be made of the identity and qualifications of the applicant.

4. The license, if issued, ~~{shall}~~ **must** be for the period of the permit, and ~~{shall}~~ **must** automatically be extended if the permit is extended.

5. The commissioner shall revoke the license if at any time after issuance he has found that the license was obtained through misrepresentation or concealment of facts, or that the licensee is no longer qualified therefor, or that the licensee has misrepresented the securities offered, or has otherwise conducted himself in or with respect to transactions under the license in a manner injurious to the permit holder or to subscribers or prospects or the public.

6. This section does not apply to securities broker-dealers registered as such under the Securities Exchange Act of 1934, or with respect to securities the sale of which is underwritten , ~~{H}~~ other than on a best efforts basis , ~~{H}~~ by such a broker-dealer.

7. With respect to solicitation of subscriptions to or purchase of securities covered by a solicitation permit issued by the commissioner, the license required by this section is in lieu of a license or permit otherwise required of the solicitor under any other law of this state.

9. Chapter 483, Statutes of Nevada 1997, at page 2206, is hereby amended by adding thereto a new section to be designated as section 509.35, immediately following section 509.3, to read as follows:

Sec. 509.35. NRS 696A.260 is hereby amended to read as follows:

696A.260 1. ~~{Application}~~ **An application** for a license as a club agent ~~{shall be made}~~ **must be submitted** to the commissioner upon forms prescribed and furnished by him. As a part of, or in connection with, any application, the applicant shall furnish information concerning his identity, personal history, experience, business record and other pertinent facts which the commissioner may reasonably require.

2. If the applicant is a firm, partnership or corporation, the application, in addition to the requirements of subsection 1, shall:

(a) Contain the names of all members and officers of the firm, partnership or corporation; and

(b) Designate who is to exercise the powers to be conferred by the license on ~~{such}~~ **the** firm, partnership or corporation.

3. The commissioner shall require each ~~{individual}~~ **natural person** of a firm, partnership or corporation to furnish information to him as though applying for an individual license.

4. Any person willfully misrepresenting any fact required to be disclosed in any application ~~{shall be}~~ **is** subject to the penalties provided in NRS 696A.350.

10. Chapter 483, Statutes of Nevada 1997, at page 2211, is hereby amended by adding thereto a new section to be designated as section 516.1, immediately following section 516, to read as follows:

Sec. 516.1. Section 18.5 of chapter 603, Statutes of Nevada 1997, at page 3027, is hereby amended to read as follows:

Sec. 18.5. Chapter 684A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The commissioner may issue a limited license to an adjuster licensed in an adjoining state who has contracted with a domestic insurer that has its principal place of business in this state to adjust and pay claims on business written in this state. A limited license issued pursuant to this section is valid for 3 years or the term of the contract between the adjuster and domestic insurer, whichever is shorter.

2. *If the applicant for a limited license issued pursuant to this section is a natural person, the application must include the social security number of the applicant.*

3. An adjuster who holds a limited license issued pursuant to this section may adjust claims in this state only pursuant to his contract with the domestic insurer.

~~[3.]~~ 4. A domestic insurer who contracts with an adjuster to whom a limited license has been issued pursuant to this section shall maintain in its principal place of business in this state the records of its closed files upon which the adjuster worked.

~~[4.]~~ 5. Notwithstanding the provisions of NRS 684A.170, an adjuster who is issued a limited license pursuant to this section is not required to maintain an office or place of business in this state.

Sec. 58. Section 6 of chapter 485, Statutes of Nevada 1997, at page 2215, is hereby amended to read as follows:

Sec. 6. *If an express written warranty is provided to a retail customer for a used vehicle pursuant to section 5 of this act, the duration of the warranty must be determined pursuant to this section. If, on the date the vehicle was purchased from the used vehicle dealer, the odometer in the used vehicle registered:*

1. *At least 75,000 but less than 80,001 miles, the warranty is valid for a period of 30 days therefrom or until the odometer in the vehicle registers 1,000 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.*

2. *At least 80,001 but less than 85,001 miles, the warranty is valid for a period of 20 days therefrom or until the odometer in the vehicle registers 600 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.*

3. *At least 85,001 but less than 90,001 miles, the warranty is valid for a period of 10 days therefrom or until the odometer in the vehicle registers 300 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.*

4. *At least 90,001 but less than 100,001 miles, the warranty is valid for a period of 5 days therefrom or until the odometer in the vehicle registers 150 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.*

5. *At least 100,001 miles, the warranty is valid for a period of 2 days therefrom or until the odometer in the vehicle registers 100 miles more than on the date the vehicle was purchased from the used vehicle dealer, whichever occurs earlier.*

The period for which a warranty is valid pursuant to this section must be tolled during any period in which the dealer has possession of the vehicle or the operation of the vehicle is impaired and the vehicle is inoperable due to a defect in the vehicle's engine or drivetrain.

Sec. 59. 1. Sections 24.8, 74, 151, 320 and 325 of chapter 489, Statutes of Nevada 1997, at pages 2232, 2243, 2287, 2351 and 2353, respectively, are hereby amended to read respectively as follows:

Sec. 24.8. 1. *The chief of the program for the enforcement of child support of the welfare division or his designee may enforce a court order for the support of a child against the parents of a noncustodial parent of a child if:*

(a) The custodial parent and noncustodial parent of the child are both less than 18 years of age; and

(b) The custodial parent of the child is a member of a household that is receiving benefits.

2. *If the chief or his designee enforces a court order against the parents of a noncustodial parent pursuant to subsection 1, the parents of the noncustodial parent are jointly and severally liable for the payments required pursuant to the order.*

Sec. 74. 1. *The chief may request the following information to carry out the provisions of this chapter:*

(a) The records of the following public officers and state, county and local agencies:

(1) The state registrar of vital statistics;

(2) Agencies responsible for maintaining records relating to state and local taxes and revenue;

(3) Agencies responsible for keeping records concerning real property and personal property for which a title must be obtained;

(4) All boards, commissions and agencies that issue occupational or professional licenses, certificates or permits;

(5) The secretary of state

;

(6) The employment security division of the department of employment, training and rehabilitation;

(7) Agencies that administer public assistance;

(8) The department of motor vehicles and public safety;

(9) The department of prisons; and

(10) Law enforcement agencies and any other agencies that maintain records of criminal history.

(b) The names and addresses of:

(1) The customers of public utilities and community antenna television companies; and

(2) The employers of the customers described in subparagraph (1).

(c) Information in the possession of financial institutions relating to the assets, liabilities and any other details of the finances of a person.

(d) Information in the possession of a public or private employer relating to the employment, compensation and benefits of a person employed by the employer as an employee or independent contractor.

2. If a person or other entity fails to supply the information requested pursuant to subsection 1, the administrator may issue a subpoena to compel the person or entity to provide that information. A person or entity who fails to comply with a request made pursuant to subsection 1 is subject to a civil penalty not to exceed \$500 for each failure to comply.

3. A disclosure made in good faith pursuant to subsection 1 does not give rise to any action for damages for the disclosure.

Sec. 151. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the state. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 400,000 or more may, at the request of the county clerk, designate two branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Before issuing a marriage license, the county clerk may require evidence that the applicant for the license is of age. The county clerk shall accept a statement under oath by the applicant and the applicant's parent, if available, that the applicant is of age.

3. The county clerk issuing the license shall require the applicant to answer under oath each of the questions contained in the form of license, and, if the applicant cannot answer positively any questions with reference to the other person named in the license, the clerk shall require both persons named in the license to appear before him and to answer, under oath, the questions contained in the form of license. *The county clerk shall require the applicant to include his social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.* If any of the information required is unknown to the person responding to the question, he must state that the answer is unknown.

4. If any of the persons intending to marry ~~is~~ *are* under age and ~~has~~ *have* not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

- (a) Personally given before the clerk;
- (b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that he saw the parent or guardian subscribe his name to the annexed certificate, or heard him or her acknowledge it; or
- (c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

5. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to him in 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 ~~[, 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.

Sec. 60. 1. Sections 2 and 6 of chapter 490, Statutes of Nevada 1997, at pages 2355 and 2358, respectively, are hereby amended to read respectively as follows:

Sec. 2. NRS 388.368 is hereby amended to read as follows:

388.368 1. The state board ~~[of education shall adopt]~~, **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) **Adopt** a comprehensive program to ~~[provide pupils with]~~ **offer pupils who are enrolled in grades 7 to 12, inclusive,** the skills to make the transition from school to ~~[work. The state board of education shall develop, implement]~~ **careers; and**

(b) **Carry out** and review the program . ~~[with the assistance of the assisting agencies and the business community that will be included in the partnerships established pursuant to paragraph (a) of subsection 3.]~~

2. The program to provide pupils with the skills to make the transition from school to ~~[work must]~~ **careers may** be designed to achieve the following objectives:

(a) To provide ~~[all]~~ **the** pupils **participating in the program** with an ~~[equal]~~ **equitable** opportunity to learn about and explore various career options **of their choice** before the completion of middle school.

(b) To ~~provide~~ *offer* career counseling for ~~all pupils during the 9th and 10th grades.~~ *interested pupils who are enrolled in grades 7 to 12, inclusive.*

(c) To provide ~~all~~ *information concerning the program.*

(d) *To provide the* pupils *participating in the program* with an ~~equal~~ *equitable* opportunity to achieve high academic standards and to obtain training in occupations ~~that earn high wages.~~
~~—(d) To strengthen and expand~~ *of their choice. If desired, a pupil who has chosen to receive training in an occupation may choose to receive training in another occupation of his choice, or may terminate his participation in the program, without the loss of credit, at such times as are allowed by the state board, but in no case may a pupil be required to continue with the training or participate in the program for more than one semester.*

(e) *To continue and enhance* existing technical and vocational education programs *that are voluntary, including, without limitation, programs* adopted pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. §§ 2301 et seq.).

~~[(e) To adopt]~~

(f) *To allow* a system for ~~issuing~~ *awarding* certificates of technical or vocational proficiency.

~~[(f) To adopt a curriculum and a system to allow pupils and students]~~ *Such a certificate must not be awarded as a replacement for or in lieu of a high school diploma.*

(g) *To allow pupils participating in the program* to participate in educational activities in the workplace.

~~[(g) To provide all pupils with programs of]~~

(h) *To offer pupils participating in the program* job training and placement or programs for preparation for postsecondary education during the 12th grade ~~[-~~

~~—(h) To strengthen], or both.~~

(i) *To encourage* the relationship ~~between~~ *among* the business community, ~~and~~ *school districts and universities and community colleges within the University and Community College System of Nevada* to promote job training and internships.

~~[(i) To encourage]~~

(j) *To offer* statewide participation in the program ~~[-~~

~~—(j) To meet the continuing educational and developmental needs of teachers and employees of the school district.]~~ *for pupils who are enrolled in grades 7 to 12, inclusive.*

(k) *To encourage teachers and other educational personnel to continue their educational development related to the program.*

(l) To adopt a process to evaluate the program and to integrate improvements ~~into the program.]~~ *in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. §§ 1232g et seq.).*

To carry out the purposes of this paragraph, the state board may adopt a system for evaluating participation in the program only to produce aggregate statistical information needed to evaluate the program, but not to ensure that a pupil completes job training for a particular career. This paragraph does not prohibit the collection of data necessary to carry out the provisions of NRS 389.015 and 389.017.

3. *The program adopted by the state board must be designed to offer an equitable opportunity for all pupils to participate in the program, including, without limitation:*

- (a) Male and female pupils;*
- (b) Pupils who are of diverse racial, ethnic and cultural backgrounds;*
- (c) Pupils whose primary language is not English;*
- (d) Pupils who have disabilities;*
- (e) Pupils who are gifted and talented;*
- (f) Pupils who are at high risk of dropping out of school; and*
- (g) Pupils who are disadvantaged, economically or otherwise.*

4. To be eligible to receive funding for and to participate in the program established pursuant to this section, a school district or a **university or** community college **within the University and Community College System of Nevada** must submit to the state board ~~of education~~ an application that includes:

(a) A description of the partnership between the school district, **university** or community college and the business community that will be established to carry out the program adopted pursuant to this section. The partnership must consist of employers, representatives of local educational agencies, local postsecondary educational institutions, representatives of labor organizations, pupils, parents and persons representing rehabilitation, employment and training services.

(b) A plan that describes how the partnership will carry out the objectives of the program, including specific requirements for periodic review and approval by the members of the partnership representing the business community of the means of obtaining those objectives. The members of the partnership who perform the periodic review shall make a determination of whether the program is actually improving the skills of the participants to make the transition from school to ~~work.~~ **careers**. The members of the partnership who perform the periodic review must include employers who are likely to hire pupils who complete the program as well as other employers who are active in the establishment of programs for job training and placement.

(c) A description of an annual evaluation to be conducted by the partnership and used to measure the success of the program. The results of the evaluation must be submitted to the state board ~~of~~

~~education~~] and contain specific comments from the members of the partnership representing the business community regarding the effectiveness of the program in producing pupils who are ready for employment in the workplace.

(d) Other information the state board ~~[of education]~~ may require to determine the eligibility of the school district to participate in the program.

~~[4.]~~ 5. The state board ~~[of education, after]~~, *in* consultation with the assisting agencies ~~[, shall submit]~~ *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 ~~[-, the department of information technology, the state industrial insurance system, the division of state library and archives of the department of museums, library and arts]~~ and the University and Community College System of Nevada.

Sec. 6. 1. This section and sections 1, ~~[2,]~~ 2.5 and 4 of this act become effective on July 1, 1997.

2. *Sections 2 and 2.7 of this act become effective at 12:01 a.m. on July 1, 1997.*

3. Sections 3 and 5 of this act become effective on July 1, 2003.

2. Chapter 490, Statutes of Nevada 1997, at page 2357, is hereby amended by adding thereto a new section to be designated as section 2.7, immediately following section 2.5, to read as follows:

Sec. 2.7. Section 39 of chapter 480, Statutes of Nevada 1997, at page 1866, is hereby amended to read as follows:

Sec. 39. NRS 388.368 is hereby amended to read as follows:

388.368 1. 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) Adopt a comprehensive program to offer pupils who are enrolled in grades 7 to 12, inclusive, the skills to make the transition from school to careers; and

(b) Carry out and review the program

.

2. The program to provide pupils with the skills to make the transition from school to careers may be designed to achieve the following objectives:

(a) To provide the pupils participating in the program with an equitable opportunity to learn about and explore various career options of their choice before the completion of middle school.

(b) To offer career counseling for interested pupils who are enrolled in grades 7 to 12, inclusive.

(c) To provide information concerning the program.

(d) To provide the pupils participating in the program with an equitable opportunity to achieve high academic standards and to obtain training in occupations of their choice. If desired, a pupil who has chosen to receive training in an occupation may choose to receive training in another occupation of his choice, or may terminate his participation in the program, without the loss of credit, at such times as are allowed by the state board, but in no case may a pupil be required to continue with the training or participate in the program for more than one semester.

(e) To continue and enhance existing technical and vocational education programs that are voluntary, including, without limitation, programs adopted pursuant to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. §§ 2301 et seq.).

(f) To allow a system for awarding certificates of technical or vocational proficiency. Such a certificate must not be awarded as a replacement for or in lieu of a high school diploma.

(g) To allow pupils participating in the program to participate in educational activities in the workplace.

(h) To offer pupils participating in the program job training and placement or programs for preparation for postsecondary education during the 12th grade, or both.

(i) To encourage the relationship among the business community, school districts, *charter schools* and universities and community colleges within the University and Community College System of Nevada to promote job training and internships.

(j) To offer statewide participation in the program for pupils who are enrolled in grades 7 to 12, inclusive.

(k) To encourage teachers and other educational personnel to continue their educational development related to the program.

(l) To adopt a process to evaluate the program and to integrate improvements in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. §§ 1232g et seq.). To carry out the purposes of this paragraph, the state board may adopt a system for evaluating participation in the program only to produce aggregate statistical information needed to evaluate the program,

but not to ensure that a pupil completes job training for a particular career. This paragraph does not prohibit the collection of data necessary to carry out the provisions of NRS 389.015 and 389.017.

3. The program adopted by the state board must be designed to offer an equitable opportunity for all pupils to participate in the program, including, without limitation:

- (a) Male and female pupils;
- (b) Pupils who are of diverse racial, ethnic and cultural backgrounds;
- (c) Pupils whose primary language is not English;
- (d) Pupils who have disabilities;
- (e) Pupils who are gifted and talented;
- (f) Pupils who are at high risk of dropping out of school; and
- (g) Pupils who are disadvantaged, economically or otherwise.

4. To be eligible to receive funding for and to participate in the program established pursuant to this section, a school district, *a charter school* or a university or community college within the University and Community College System of Nevada must submit to the state board an application that includes:

(a) A description of the partnership between the school district, *charter school*, university or community college and the business community that will be established to carry out the program adopted pursuant to this section. The partnership must consist of employers, representatives of local educational agencies, local postsecondary educational institutions, representatives of labor organizations, pupils, parents and persons representing rehabilitation, employment and training services.

(b) A plan that describes how the partnership will carry out the objectives of the program, including specific requirements for periodic review and approval by the members of the partnership representing the business community of the means of obtaining those objectives. The members of the partnership who perform the periodic review shall make a determination of whether the program is actually improving the skills of the participants to make the transition from school to careers. The members of the partnership who perform the periodic review must include employers who are likely to hire pupils who complete the program as well as other employers who are active in the establishment of programs for job training and placement.

(c) A description of an annual evaluation to be conducted by the partnership and used to measure the success of the program. The results of the evaluation must be submitted to the state board and contain specific comments from the members of the partnership representing the business community regarding the

effectiveness of the program in producing pupils who are ready 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.

Sec. 62. Sections 3 and 16 of chapter 513, Statutes of Nevada 1997, at pages 2440 and 2445, respectively, are hereby amended to read respectively as follows:

Sec. 3. NRS 373.117 is hereby amended to read as follows:

373.117 1. A regional transportation commission may establish or operate a public transit system consisting of regular routes and fixed schedules to serve the public.

2. A regional transportation commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 400,000, such a system may also provide service which includes:

(a) Minor deviations from regular routes and fixed schedules on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the transportation services authority pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the transportation services authority for a fully regulated carrier.

4. *Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a regional transportation commission may utilize a turnkey procurement process to select a person to design, build, operate and maintain, or any combination thereof, a fixed guideway system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a fixed guideway project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost effective method of constructing the project on schedule and in satisfaction of its transportation objectives.*

5. *Notwithstanding the provisions of chapter 332 of NRS, a regional transportation commission may utilize a competitive negotiation procurement process to procure rolling stock for a fixed guideway project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.*

6. As used in this section:

(a) "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the transportation services authority a certificate of public

convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the transportation services authority.

(b) ***"Minimum operable segment" means the shortest portion of a fixed guideway system that is technically capable of providing viable public transportation between two end points.***

(c) "Public transit system" means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

(d) ***"Turnkey procurement" means a competitive procurement process by which a person is selected by a regional transportation commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a fixed guideway system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.***

Sec. 16. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of telecommunications service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides telecommunications service 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.

Sec. 64. 1. Sections 5.5, 9 and 10 of chapter 517, Statutes of Nevada 1997, at pages 2476 and 2478, are hereby amended to read respectively as follows:

Sec. 5.5. Section 2 of Senate Bill No. 205 of this session is hereby amended to read as follows:

Sec. 2. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsection 2 ~~{or 5}~~ **or 5**, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

- (a) A physician who has before him a child who he reasonably believes may have been abused or neglected;

(b) A person authorized to place a child in protective custody, if he has before him a child who he reasonably believes may have been abused or neglected and he requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of abuse or neglect of a child;

(e) ~~Any~~ A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but ~~any~~ information identifying the subjects of a report must not be made available to him;

(g) The guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;

(j) A person who or an organization that has entered into a written agreement with an agency which provides protective services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized for the protection of a child pursuant to NRS 432B.350;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(n) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;

(o) An agency ~~which~~ *that* is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized by the agency or department having jurisdiction or by the legislature, acting

within its jurisdiction, to investigate the activities or programs of an agency ~~which~~ *that* provides protective services if:

- (1) The identity of the person making the report is kept confidential; and
- (2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect;
- (q) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court; or
- (r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides protective services or to a law enforcement agency.

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of the report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

- (a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

- (b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

- (c) Such other information authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides protective services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning the report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. *An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:*

- (a) A copy of:*
 - (1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or*
 - (2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person*

named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

6. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135,

who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report who makes this information public is guilty of a misdemeanor.

~~6.~~ 7. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 9. The amendatory provisions of *sections 1 to 5.5, inclusive, of this act* expire by limitation on June 30, 2001.

Sec. 10. 1. This *section and sections 1 to 5.5, inclusive, and 6 to 9, inclusive, of this act* ~~becomes~~ *become* effective on July 1, 1997.

2. *Section 5.7 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

2. Chapter 517, Statutes of Nevada 1997, at page 2478, is hereby amended by adding thereto a new section to be designated as section 5.7, immediately following section 5.5, to read as follows:

Sec. 5.7. Section 2 of chapter 240, Statutes of Nevada 1997, at page 849, is hereby amended to read as follows:

Sec. 2. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. ~~Data~~ *Except as otherwise provided in subsection 2, data* or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician who has before him a child who he reasonably believes may have been abused or neglected;

(b) A person authorized to place a child in protective custody, if he has before him a child who he reasonably believes may have been abused or neglected and he requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of abuse or neglect of a child;

(e) ~~Any~~ A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but ~~any~~ information identifying the subjects of a report must not be made available to him;

(g) The guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) An agency which provides protective services or which is authorized to receive, investigate and evaluate reports of abuse or neglect of a child;

(j) A team organized for the protection of a child pursuant to NRS 432B.350;

(k) A parent or legal guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(l) The person named in the report as allegedly being abused or neglected, if he is not a minor or otherwise legally incompetent;

(m) An agency ~~which~~ that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(n) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency ~~which~~ that provides protective services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect; or

(o) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court.

2. *An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:*

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

3. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135,

who is given access, pursuant to subsection 1, to information identifying the subjects of a report who makes this information public is guilty of a misdemeanor.

~~[3.]~~ 4. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 65. Sections 1 and 6 of chapter 521, Statutes of Nevada 1997, at pages 2484 and 2486, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 353.185 is hereby amended to read as follows:
353.185 The powers and duties of the chief are:

1. To appraise the quantity and quality of services rendered by each agency in the executive department of the state government, and the needs for such services and for any new services.

2. To develop plans for improvements and economies in organization and operation of the executive department, and to install such plans as are approved by the respective heads of the various agencies of the executive department, or as are directed to be installed by the governor or the legislature.

3. To cooperate with the state public works board in developing comprehensive, long-range plans for capital improvements and the means for financing them.

4. To devise and prescribe the forms for reports on the operations of the agencies in the executive department to be required periodically from the several agencies in the executive department, and to require the several agencies to make such reports.

5. To prepare the executive budget report for the governor's approval and submission to the legislature.

6. To prepare a proposed budget for the executive department of the state government for the next 2 fiscal years, which ~~proposed budget~~ must:

(a) Present a complete financial plan for the next 2 fiscal years;
(b) Set forth all proposed expenditures for the administration, operation and maintenance of the departments, institutions and agencies of the executive department of the state government, including those operating on funds designated for specific purposes by the constitution or otherwise ~~it~~, *which must include a separate statement of:*

(1) The anticipated expense, including personnel, for the operation and maintenance of each capital improvement to be constructed during the next 2 fiscal years and of each capital improvement constructed on or after July 1, 1999, which is to be used during those fiscal years or a future fiscal year; and

(2) The proposed source of funding for the operation and maintenance of each capital improvement, including personnel, to be constructed during the next 2 fiscal years;

(c) Set forth all *charges for* interest and debt redemption ~~charges~~ during the next 2 fiscal years;

(d) Set forth all expenditures for capital projects to be undertaken and executed during the next 2 fiscal years; and

(e) Set forth the anticipated revenues of the state government, and any other additional means of financing the expenditures proposed for the next 2 fiscal years.

7. To examine and approve work programs and allotments to the several agencies in the executive department, and changes therein.

8. To examine and approve statements and reports on the estimated future financial condition and the operations of the agencies in the executive department of the state government and the several budgetary units ~~which~~ *that* have been prepared by those agencies and budgetary units, before ~~any such~~ *the* reports are released to the governor, to the legislature, or for publication.

9. To receive and deal with requests for information as to the budgetary status and operations of the executive agencies of the state government.

10. To prepare such statements of unit costs and other statistics relating to ~~{costs}~~ *cost* as may be required from time to time, or requested by the governor or the legislature.

11. To do and perform such other and further duties relative to the development and submission of an adequate proposed budget for the executive department of the state government of the State of Nevada as the governor may require.

Sec. 6. *1. This section and sections 2 to 5, inclusive, of this act ~~{becomes}~~ become effective on July 1, 1997.*

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

Sec. 66. Section 34 of chapter 522, Statutes of Nevada 1997, at page 2489, is hereby amended to read as follows:

Sec. 34. NRS 392.330 is hereby amended to read as follows:

392.330 1. In addition to the purposes authorized by NRS 392.320, a board of trustees may use transportation funds of the school district for ~~{arranging}~~ :

(a) Arranging and paying for transportation , *in accordance with subsection 2*, by motor vehicles or otherwise, by contract or such other arrangement as the board finds most economical, expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets for public buses for use by pupils enrolled in high school to travel to and from school.

2. Such transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company holding a certificate of public convenience and necessity issued by the public utilities commission of Nevada or bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the transportation services authority.

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the state board ~~{of education}~~ against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 67. Sections 9 and 13 of chapter 524, Statutes of Nevada 1997, at pages 2505 and 2509, respectively, are hereby amended to read respectively as follows:

Sec. 9. NRS 176.185 is hereby amended to read as follows:

176.185 1. Except as otherwise provided in this section, ~~{whenever}~~ *section 3 of Assembly Bill No. 240 of this session and section 7 of this act, if* a person is found guilty in a district court of

a crime upon verdict or plea, except in cases of 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 ~~[where]~~ 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 category E felony, 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 felony, a gross misdemeanor or a misdemeanor, 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.

3. ~~[The court may grant probation to a person convicted of indecent or obscene exposure or of lewdness only if a certificate of a psychologist or psychiatrist, as required by NRS 201.210, 201.220 or 201.230, is received by the court.]~~ The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

4. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

5. The court shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the court receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 45 days following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 45 days the district judge may grant probation without the written report.

6. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 13. Section 13 of Senate Bill No. 133 of this session is hereby amended to read as follows:

Sec. 13. NRS 176.185 is hereby amended to read as follows:

176.185 1. Except as otherwise provided in this section, section 3 of Assembly Bill No. 240 of this session and section 7 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.

3. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

4. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

5. The court shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the court receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 45 days following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 45 days the district judge may grant probation without the written report.

6. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 68. 1. Sections 6 and 7 of chapter 528, Statutes of Nevada 1997, at page 2520, are hereby amended to read respectively as follows:

Sec. 6. NRS 62.360 is hereby amended to read as follows:

62.360 1. The court shall make and keep records of all cases brought before it.

2. The records may be opened to inspection only by order of the court to persons having a legitimate interest therein except that a release without a court order may be made of any:

(a) Records of traffic violations which are being forwarded to the department of motor vehicles and public safety;

(b) Records which have not been sealed and are required by the division of parole and probation of the department of motor vehicles and public safety for preparation of presentence reports pursuant to NRS 176.135;

(c) Information maintained in the standardized system 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 attorney, probation officer, any of their deputies or any other persons having relevant evidence may testify at the hearing on the petition.

3. If, after the hearing, the court finds that, since such termination of jurisdiction, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order all records, papers and exhibits in the juvenile's case in the custody of the juvenile court, district court, justice's court, municipal court, probation officer, law enforcement agency or any other agency or public official sealed. Other records relating to the case, in the custody of such other agencies and officials as are named in the order, must also be ordered sealed.

4. 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*, all records relating to a child must be automatically sealed when the child reaches 24 years of age.

5. The court shall send a copy of the order sealing the records of a child to each agency and official named therein. Each agency and official shall, within 5 days after receipt of the order:

- (a) Seal records in its custody, as directed by the order.
- (b) Advise the court of its compliance.
- (c) Seal the copy of the court's order that it or he received.

6. If the court orders the records sealed, all proceedings recounted in the records are deemed never to have occurred, and the person who is the subject of the records may properly reply accordingly to any inquiry concerning the proceedings and the events which brought about the proceedings.

7. The person who is the subject of records sealed pursuant to this section may petition the court to permit inspection of the records by a person named in the petition and the court may order the inspection.

8. The court may, upon the application of a district attorney or an attorney representing a defendant in a criminal action, order an inspection of the records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

9. The court may, upon its own motion and for the purpose of sentencing a convicted adult who is under 21 years of age, inspect any records of that person which are sealed pursuant to this section.

10. An agency charged with the medical or psychiatric care of a person may petition the court to unseal his juvenile records.

11. The provisions of this section do not apply to ~~{any}~~ information maintained in the standardized system established pursuant to NRS 62.420 ~~{}~~ *or 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.*

12. As used in this section, "seal" means placing the records in a separate file or other repository not accessible to the general public.

2. Chapter 528, Statutes of Nevada 1997, at page 2521, is hereby amended by adding thereto new sections to be designated as sections 8 and 9, immediately following section 7, to read respectively as follows:

Sec. 8. Section 5 of chapter 445, Statutes of Nevada 1997, at page 1565, is hereby amended to read as follows:

Sec. 5. NRS 62.370 is hereby amended to read as follows:

62.370 1. Except as otherwise provided in section 91.1 of ~~this act,~~ ***Senate Bill No. 325 of this session and section 3 of this act,*** 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 attorney, probation officer, any of their deputies or any other persons having relevant evidence may testify at the hearing on the petition.

3. If, after the hearing, the court finds that, since such termination of jurisdiction, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order all records, papers and exhibits in the juvenile's case in the custody of the juvenile court, district court, justice's court, municipal court, probation officer, law enforcement agency or any other agency or public official sealed. Other records relating to the case, in the custody of such other agencies and officials as are named in the order, must also be ordered sealed.

4. Except as otherwise provided in section 91.1 of ~~this act,~~ ***Senate Bill No. 325 of this session and section 3 of this act,*** all records relating to a child must be automatically sealed when the child reaches 24 years of age.

5. The court shall send a copy of the order sealing the records of a child to each agency and official named therein. Each agency and official shall, within 5 days after receipt of the order:

- (a) Seal records in its custody, as directed by the order.
- (b) Advise the court of its compliance.
- (c) Seal the copy of the court's order that it or he received.

6. If the court orders the records sealed, all proceedings recounted in the records are deemed never to have occurred, and the person who is the subject of the records may properly reply accordingly to any inquiry concerning the proceedings and the events which brought about the proceedings.

7. The person who is the subject of records sealed pursuant to this section may petition the court to permit inspection of the records by a person named in the petition and the court may order the inspection.

8. The court may, upon the application of a district attorney or an attorney representing a defendant in a criminal action, order an inspection of the records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

9. The court may, upon its own motion and for the purpose of sentencing a convicted adult who is under 21 years of age, inspect any records of that person which are sealed pursuant to this section.

10. An agency charged with the medical or psychiatric care of a person may petition the court to unseal his juvenile records.

11. The provisions of this section do not apply to any information maintained in the standardized system established pursuant to NRS 62.420.

12. As used in this section, "seal" means placing the records in a separate file or other repository not accessible to the general public.

Sec. 9. 1. This section and section 8 of this act become effective on September 30, 1997.

2. Section 7 of this act becomes effective at 12:01 a.m. on October 1, 1997.

Sec. 69. Section 2 of chapter 530, Statutes of Nevada 1997, at page 2524, is hereby amended to read as follows:

Sec. 2. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a person driving a motor vehicle during the hours of daylight at a speed in excess of the speed limit posted by a public authority for the portion of highway being traversed shall be punished by a fine of \$25 if:

(a) The posted speed limit is 60 miles per hour and the person is not exceeding a speed of 70 miles per hour.

(b) The posted speed limit is 65 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(c) The posted speed limit is 70 miles per hour and the person is not exceeding a speed of 75 miles per hour.

2. A violation of the speed limit under any of the circumstances set forth in subsection 1 must not be recorded by the department on a driver's record and shall not be deemed a moving traffic violation.

3. The provisions of this section do not apply to a violation specified in subsection 1 that occurs in a county whose population is 100,000 or more.

Sec. 70. 1. Sections 3, 4 and 5 of chapter 540, Statutes of Nevada 1997, at pages 2550, 2551 and 2553, respectively, are hereby amended to read respectively as follows:

Sec. 3. NRS 704A.180 is hereby amended to read as follows:

704A.180 1. Within 15 days after the receipt of ~~the petition,~~ *a petition to establish a service district*, each public utility corporation other than the municipality shall notify the municipality of the ~~petition's~~ receipt *of the petition* and shall request the municipality to notify the public utility corporation of the basis to be used by the municipality in the apportionment of the costs *related to the installation of the facility underground* to be defrayed by special assessments levied against the specially benefited lots within the proposed service district if the facilities of the public utility corporation therein are to be placed underground ~~under~~ *pursuant to* this chapter.

2. Within 30 days of the receipt by the municipality of each such request, or, if the public utility corporation is the municipality, the petition, the *local* governing body shall state, by resolution, the basis for the apportionment of those costs by assessments against the specially benefited lots, subject to the provisions of subsections 5 and 6 of NRS 704A.240, and shall forthwith cause a certified true copy of the resolution pertaining to each public utility corporation requesting the basis of assessments to be furnished thereto.

3. Within 120 days after receipt of the basis for assessments, or, if the public utility corporation is the municipality, after the adoption of the resolution, each public utility corporation serving the area shall:

(a) Make a study of the cost of providing new underground electric and communication facilities or conversion of its facilities in the area to underground service.

(b) Make available in its office to the petitioners and to all owners of real property within the proposed service district a joint report of the results of the study of the public utility corporations affected.

4. If a public utility corporation subject to the jurisdiction of the public utilities commission of Nevada determines as a result of the study that installation of the proposed service is not

economically or technically feasible, it may, with the concurrence of the public utilities commission of Nevada, so state in the joint report and proceed no further toward installation of the proposed service. ~~{Nothing in this chapter requires}~~ ***This chapter does not require*** the public utilities commission of Nevada to participate in preparation of the joint report referred to in this section.

5. If a public utility corporation is a city or county and if it determines as a result of the study that installation of the proposed service is not economically or technically feasible, it may, with the concurrence of its governing body, as provided by resolution , so state in the joint report and proceed no further toward installation of the proposed service.

6. Except for the facilities of each public utility corporation described in subsection 4 or 5, if any, the joint report must:

(a) Contain an estimate of the costs to be assessed to each lot of real property located within the proposed service district for the construction of new facilities or conversion of facilities within public places.

(b) Indicate the estimated cost to be assessed to each lot of real property for placing underground the facilities of the public utility corporation located within the boundaries of each lot.

(c) Indicate the estimated cost, if any, to be borne by the public utility corporation for any facilities to be provided by it and which remain its property rather than becoming property of owners of individual lots, as provided by regulations of the public utilities commission of Nevada in the case of a public utility corporation other than a city or county, and, in the case of any public utility corporation, by any other applicable laws, ordinances, rules or regulations.

7. The costs of preparing the joint report must be borne by the public utility corporation or corporations whose electric or communication facilities are to be included in the proposed service district unless the governing body orders the establishment of the service district, in which event the costs must be included in the costs of the service district.

Sec. 4. NRS 704A.240 is hereby amended to read as follows:

704A.240 1. At the place, date and hour specified for the hearing in the notice or at any subsequent time to which the hearing may be adjourned , the governing body shall give full consideration to all written objections which have been filed and shall hear all owners of real property within the proposed service district desiring to be heard.

2. If the governing body determines ~~{at}~~ ***after*** the hearing that ***{-} an existing or a new electric facility must be placed underground and that:***

(a) The requirements for the establishment of a service district have been satisfied;

(b) Objections have not been filed in writing by more than 40 percent of the owners of real property within the proposed service district, or by owners of more than 40 percent of the real property on a square foot basis in the proposed service district;

(c) Considering all objections, the cost of construction or conversion as contained in the joint report prepared pursuant to NRS 704A.180 is economically and technically feasible for the public utility corporations involved and the owners of real property affected; and

(d) The proposed service district is a reasonably compact area ~~{of reasonable size,}~~ *which encompasses areas that will benefit from the installation of the facility underground,* the governing body shall enact an ordinance establishing the area as a service district.

3. The ordinance must:

(a) State the costs to be assessed to each lot in the service district, including the appropriate share of all costs referred to in NRS 704A.180 and 704A.210.

(b) Direct the public utility corporation owning overhead electric or communication facilities within the service district to construct or convert such facilities to underground facilities and, in the case of a public utility corporation other than a city or county, *to construct or convert such facilities* in accordance with standard underground practices and procedures approved by the public utilities commission of Nevada.

(c) State the method of levying assessments, the number of installments, and the times when the costs assessed will be payable.

4. Before enacting an ordinance establishing a service district, the governing body shall exclude by resolution or ordinance any territory described in the petition which the governing body finds will not be benefited by inclusion in the service district or for which ~~{territory}~~ *underground* construction or conversion is not economically or technically feasible.

5. The basis for apportioning the assessments:

(a) Must be in proportion to the special benefits derived to each of the several lots comprising the assessable property within the service district; and

(b) Must be on a front foot, area, zone or other equitable basis as determined by the governing body.

6. Regardless of the basis used for the apportionment of assessments, in cases of wedge or V or any other irregularly shaped lots, an amount apportioned thereto must be in proportion to the special benefits thereby derived.

7. The assessable property in the service districts consists of the lots specially benefited by the construction or conversion of service facilities, except:

(a) Any lot owned by the Federal Government in the absence of consent of Congress to its assessment; and

(b) Any lot owned by the municipality.

Sec. 5. NRS 704A.300 is hereby amended to read as follows:

704A.300 1. The service facilities within the boundaries of each lot within an underground ~~conversion~~ service district must be placed underground at the same time as or after the underground system in private easements and public places is placed underground. The public utility corporation involved, directly or through a contractor, shall, in accordance with the rules and regulations of the public utility corporation, but subject to the regulations of the public utilities commission of Nevada in the case of a public utility corporation other than a city or county, and, in the case of any utility corporation, subject to any other applicable laws, ordinances, rules or regulations of the municipality or any other public agency under the police power, convert to underground its facilities on any such lot in the case of:

(a) An electric public utility, up to the service entrance.

(b) A communication public utility, to the connection point 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.

3. The deputy ~~commissioner~~ **executive director shall report to the executive director and** shall assist the ~~commissioner~~ **executive director** in performing the duties prescribed in this chapter.

Sec. 30. Section 2 of Assembly Bill No. 188 of this session is hereby amended to read as follows:

Sec. 2. 1. The board of county commissioners of any county may create by ordinance the office of coordinator of services for veterans. If such an office is created, the board shall appoint a qualified veteran to hold the office and the board shall establish his compensation.

2. The coordinator of services for veterans shall:

(a) Assist a veteran or his spouse or dependent, if the person requesting assistance is a resident of the county, in preparing, submitting and pursuing any claim that the person has against the United States, or any state, to establish his right to any privilege, preference, care or compensation to which he believes that he is entitled;

(b) Aid, assist and cooperate with the ~~Nevada commissioner~~ **executive director** for veteran affairs and the ~~Nevada deputy commissioner~~ **deputy executive director** for veteran affairs and with the Nevada veterans' ~~advisory~~ **services** commission;

(c) Disseminate information relating to veterans' benefits in cooperation with the ~~Nevada commissioner~~ **executive director** for veteran affairs and the ~~Nevada deputy commissioner~~ **deputy executive director** for veteran affairs; and

(d) Perform such other services related to assisting a veteran, his spouse or his dependent as requested by the board of county commissioners.

3. Two or more counties jointly may create one office of coordinator of services for veterans to serve those counties.

Sec. 73. 1. Sections 4, 6, 10 and 11 of chapter 547, Statutes of Nevada 1997, at pages 2595, 2597 and 2598, are hereby amended to read respectively as follows:

Sec. 4. NRS 360.245 is hereby amended to read as follows:

360.245 1. All decisions of the executive director or other officer of the department made pursuant to subsection 2 of NRS 360.130 are final unless appealed to the *Nevada* tax commission as provided by law. Any natural person, partnership, corporation, association or other business or legal entity may so appeal by filing a notice of appeal with the department within 30 days after service of the decision upon that person or business or legal entity.

2. Service of the decision must be made personally or by certified mail. If service is made by certified mail:

(a) The decision must be enclosed in an envelope which is addressed to the taxpayer at his address as it appears in the records of the department.

(b) It is deemed to be complete at the time the appropriately addressed envelope containing the decision is deposited with the United States Postal Service.

3. The Nevada tax commission, as head of the department, may review all other decisions made by the executive director and may reverse, affirm or modify them.

4. *A decision of the Nevada tax commission is a final decision for the purposes of judicial review. The executive director or any other employee or representative of the department shall not seek judicial review of such a decision.*

5. *The Nevada tax commission shall provide by regulation for:*

(a) *Notice to each county of any decision upon an appeal to the commission that the commission determines is likely to affect the revenue of the county or other local government. The regulations must specify the form and contents of the notice and requirements for the number of days before a meeting of the commission that the notice must be transmitted to the county or counties. Upon receipt of such a notice the county shall transmit a copy of the notice to each local government within the county which it determines is likely to be affected by the decision.*

(b) *The manner in which a county or other local government which is not a party to such an appeal may become a party, and the procedure for its participation in the appeal.*

6. A county or other local government which is a party and is aggrieved by the decision of the Nevada tax commission is entitled to seek judicial review of the decision.

7. Upon application by a taxpayer, the Nevada tax commission shall review the denial of relief pursuant to section 7 of ~~this act~~ Assembly Bill No. 644 of this session and may grant, deny or modify the relief sought.

Sec. 6. NRS 360.291 is hereby amended to read as follows:

360.291 The legislature hereby declares that each taxpayer has the right:

1. To be treated by officers and employees of the department with courtesy, fairness, uniformity, consistency and common sense.
2. To a prompt response from the department to each communication from the taxpayer.
3. To provide the minimum documentation and other information as may reasonably be required by the department to carry out its duties.
4. To written explanations of common errors, oversights and violations that taxpayers experience and instructions on how to avoid such problems.
5. To be informed by the department whenever its officer, employee or agent determines that the taxpayer is entitled to an exemption or has been taxed or assessed more than is required by law.
6. To written instructions indicating how the taxpayer may petition for:
 - (a) An adjustment of an assessment; or
 - (b) A refund or credit for overpayment of taxes, interest or penalties.
7. To recover an overpayment of taxes promptly upon the final determination of such an overpayment.
8. To obtain specific advice from the department concerning taxes imposed by the state.
9. In any meeting with the department, including an audit, conference, interview or hearing:
 - (a) To an explanation by an officer or employee of the department that describes the procedures to be followed and the taxpayer's rights thereunder;
 - (b) To be represented by himself or anyone who is otherwise authorized by law to represent him before the department;
 - (c) To make an audio recording using the taxpayer's own equipment and at the taxpayer's own expense; and
 - (d) To receive a copy of any document or audio recording made by or in the possession of the department relating to the determination or collection of any tax for which the taxpayer is

assessed, upon payment of the actual cost to the department of making the copy.

10. To a full explanation of the department's authority to assess a tax or to collect delinquent taxes, including the procedures and notices for review and appeal that are required for the protection of the taxpayer. *An explanation which meets the requirements of this section must also be included with each notice to a taxpayer that an audit will be conducted by the department.*

11. To the immediate release of any lien which the department has placed on real or personal property for the nonpayment of any tax when:

- (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.}~~ **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.

2. Chapter 547, Statutes of Nevada 1997, at page 2598, is hereby amended by adding thereto a new section to be designated as section 10.1, immediately following section 10, to read as follows:

Sec. 10.1. Sections 1 and 50 of chapter 446, Statutes of Nevada 1997, at pages 1567 and 1590, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 360.245 is hereby amended to read as follows:

360.245 1. All decisions of the executive director or other officer of the department made pursuant to subsection 2 of NRS 360.130 are final unless appealed to the tax commission as provided by law. Any natural person, partnership, corporation, association or other business or legal entity may so appeal by filing a notice of appeal with the department within 30 days after service of the decision upon that person or business or legal entity.

2. Service of the decision must be made personally or by certified mail. If service is made by certified mail:

(a) The decision must be enclosed in an envelope which is addressed to the taxpayer at his address as it appears in the records of the department.

(b) It is deemed to be complete at the time the appropriately addressed envelope containing the decision is deposited with the United States Postal Service.

3. The Nevada tax commission, as head of the department, may review all other decisions made by the executive director and may reverse, affirm or modify them.

4. Upon application by a taxpayer, the Nevada tax commission shall review the denial of relief pursuant to section 7 of this act and may grant, deny or modify the relief sought.

Sec. 50. 1. This section and sections ~~{1}~~ 2 to 15, inclusive, 17 to 43, inclusive, 45 to 48, inclusive, and subsection 2 of section 49 of this act become effective on July 1, 1997.

2. ~~{Subsection}~~ **Section 1 and subsection 1** of section 49 of this act ~~{becomes}~~ **become** effective at 12:01 a.m. on July 1, 1997.

3. Section 44 of this act becomes effective on October 1, 1997.

4. Section 16 of this act becomes effective on July 1, 1998

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Sec. 74. 1. Sections 14, 30, 30.5, 31, 33, 36, 40, 48, 49, 50, 54.5, 55, 61, 64, 66, 69, 72 and 89 of chapter 550, Statutes of Nevada 1997, at pages 2607, 2615, 2616, 2618, 2620 to 2623, inclusive, 2626, 2628, 2630, 2631 and 2644, are hereby amended to read respectively as follows:

Sec. 14. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The governor.
- (b) The department of prisons.
- (c) The University and Community College System of Nevada.
- (d) The office of the military.
- (e) The state gaming control board.
- (f) The Nevada gaming commission.
- (g) The welfare division of the department of human resources.
- (h) *The division of health care financing and policy of the department of human resources.*

(i) The state board of examiners acting pursuant to chapter 217 of NRS.

~~(i)~~ (j) Except as otherwise provided in NRS 533.365, the office of the state engineer.

2. Except as otherwise provided in NRS 391.323, the department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

- (a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;
- (b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;
- (c) Chapter 703 of NRS for the judicial review of decisions of the public service 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. 30. NRS 422.001 is hereby amended to read as follows:

422.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[422.005]~~ **422.010** to 422.055, inclusive, section 2 of Assembly Bill No. 13 of this session, ~~[and]~~ sections 3 and 4 of ~~[this act]~~ **Assembly Bill No. 401 of this session and section 16 of this act** have the meanings ascribed to them in those sections.

Sec. 30.5. NRS 422.050 is hereby amended to read as follows:

422.050 "Public assistance" includes:

1. State supplementary assistance;
2. Temporary assistance for needy families;
3. Medicaid;
4. Food stamp assistance;
5. Low-income home energy assistance;
6. ~~[Low-income weatherization assistance;~~
- ~~—7.]~~ The program for child care and development; and
- ~~[8.]~~ **7.** Benefits provided pursuant to any other public welfare program administered by the welfare division pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.

Sec. 31. NRS 422.050 is hereby amended to read as follows:

422.050 "Public assistance" includes:

1. State supplementary assistance;
2. Temporary assistance for needy families;
3. Medicaid;
4. Food stamp assistance;
5. Low-income home energy assistance;
6. The program for child care and development; and
7. Benefits provided pursuant to any other public welfare program administered by the welfare division **or the division of health care financing and policy** pursuant to such additional federal legislation as is not inconsistent with the purposes of this chapter.

Sec. 33. NRS 422.110 is hereby amended to read as follows:

422.110 1. The members of the board shall meet twice each calendar year to consider any issues related to public assistance and

other programs for which the welfare division is responsible that may be of importance to members of the general public, the governor or the welfare division, at such places as the board, the chairman of the board, the *state welfare* administrator or the director deems appropriate.

2. Four members of the board constitute a quorum, and a quorum may exercise all the power and authority conferred on the board.

3. The board shall:

(a) At least 45 days before the date it holds a meeting, provide public notice of the date, time and location of the meeting, in addition to the notice required pursuant to NRS 241.020.

(b) Keep minutes of all meetings of the board, which must include records of testimony and written comments presented to the board, and file the minutes with the welfare division. The minutes must be maintained as public records.

Sec. 36. NRS 422.141 is hereby amended to read as follows:

422.141 1. Before adopting, amending or repealing any regulation for the administration of a program of public assistance or any other program for which the welfare division is responsible, the *state welfare* administrator shall give at least 30 days' notice of his intended action.

2. The notice of intent to act upon a regulation must:

(a) Include a statement of the need for and purpose of the proposed regulation, and either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where, and the manner in which, interested persons may present their views thereon.

(b) Include a statement identifying the entities that may be financially affected by the proposed regulation and the potential financial impact, if any, upon local government.

(c) State each address at which the text of the proposed regulation may be inspected and copied.

(d) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the *state welfare* administrator for that purpose.

3. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing. The *state welfare* administrator shall consider fully all oral and written submissions relating to the proposed regulation.

4. The *state welfare* administrator shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to this section in the manner provided in subsections 1 and 2 of NRS 241.035.

5. The *state welfare* administrator may record each public hearing held pursuant to this section and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.

6. No objection to any regulation on the ground of noncompliance with the procedural requirements of this section may be made more than 2 years after its effective date.

Sec. 40. NRS 422.180 is hereby amended to read as follows:

422.180 The *state welfare* administrator:

1. Shall serve as the executive officer of the welfare division.
2. Shall establish policies for the administration of the programs of the welfare division and shall administer all activities and services of the welfare division in accordance with those policies and any regulations of the *state welfare* administrator, subject to administrative supervision by the director.

3. Is responsible for the management of the welfare division.

Sec. 48. NRS 422.236 is hereby amended to read as follows:

422.236 1. As part of the health and welfare programs of this state, the welfare division *or the division of health care financing and policy* may provide prenatal care to pregnant women who are indigent, or may contract for the provision of that care, at public or nonprofit hospitals in this state.

2. The welfare division *or the division of health care financing and policy* shall provide to each person licensed to engage in social work pursuant to chapter 641B of NRS, each applicant for Medicaid and any other interested person, information concerning the prenatal care available pursuant to this section.

3. The welfare division *or the division of health care financing and policy* shall adopt regulations setting forth criteria of eligibility and rates of payment for prenatal care provided pursuant to the provisions of this section, and such other provisions relating to the development and administration of the program for prenatal care as the *state welfare* administrator *or the administrator of the division of health care financing and policy, as applicable*, deems necessary.

Sec. 49. NRS 422.237 is hereby amended to read as follows:

422.237 1. The ~~administrator~~ *director* shall adopt each state plan required by the Federal Government, either directly or as a condition to the receipt of federal money, for the administration of any public assistance or other program for which the welfare division *or the division of health care financing and policy* is responsible. Such a plan must set forth, regarding the particular program to which the plan applies:

- (a) The requirements for eligibility;
- (b) The nature and amounts of grants and other assistance which may be provided;

(c) The conditions imposed; and
(d) Such other provisions relating to the development and administration of the program as the ~~{administrator}~~ **director** deems necessary.

~~{Such a plan becomes effective upon adoption or such other date as the administrator specifies in the plan.}~~

2. In developing and revising such a plan, the ~~{administrator}~~ **director** shall consider, among other things:

(a) The amount of money available from the Federal Government;
(b) The conditions attached to the acceptance of that money; and
(c) The limitations of legislative appropriations and authorizations,

for the particular program to which the plan applies.

3. The welfare division shall ~~{~~
~~—(a) Make}~~ **make** available to members of the general public a summary of the state plan for temporary assistance for needy families established pursuant to this section . ~~{; and~~

~~—(b) Comply}~~

4. The welfare division and the division of health care financing and policy shall comply with each state plan adopted pursuant to this section.

Sec. 50. NRS 422.238 is hereby amended to read as follows:

422.238 ~~{1.}~~ The **state welfare** administrator may adopt such regulations as are necessary for the administration of NRS ~~{422.070 to 422.410,}~~ **422.060, 422.160 to 422.2345, inclusive, 422.238, 422.250, 422.2935 to 422.294, inclusive, 422.296 to 422.299, inclusive, and 422.310 to 422.377, inclusive, sections 6 to 25, inclusive, of** ~~{this act}~~ **Assembly Bill No. 401 of this session** and 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; an

d

~~[(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.

Sec. 55. 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] shall:~~

1. 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) The program for child care and development;
- (g) The program for the enforcement of child support; and
- (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}~~ **department** in carrying out the provisions of ~~{NRS 422.070 to 422.410, inclusive, and sections 6 to 25, inclusive, of Assembly Bill No. 401 of this session.}~~ **this chapter.**

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:}~~ **director.**

6. Make such agreements with the Federal Government as may be necessary to carry out the supplemental security income program.

Sec. 61. NRS 422.2935 is hereby amended to read as follows:

422.2935 1. Except as otherwise provided in this section, the welfare division shall, to the extent it is not prohibited by federal law and when circumstances allow:

(a) Recover benefits correctly paid for Medicaid from:

(1) The undivided estate of the person who received those benefits; and

(2) Any recipient of money or property from the undivided estate of the person who received those benefits.

(b) Recover from the recipient of Medicaid or the person who signed the application for Medicaid on behalf of the recipient an amount not to exceed the benefits incorrectly paid to the recipient if the person who signed the application:

(1) Failed to report any required information to the welfare division which he knew at the time he signed the application; or

(2) Failed within the period allowed by the welfare division to report any required information to the welfare division which he obtained after he filed the application.

2. The welfare division shall not recover benefits pursuant to paragraph (a) of subsection 1, except from a person who is neither a surviving spouse nor a child, until after the death of the surviving spouse, if any, and only at a time when the person who received the benefits has no surviving child who is under 21 years of age or is blind or permanently and totally disabled.

3. Except as otherwise provided by federal law, if a transfer of real or personal property by a recipient of Medicaid is made for less

than fair market value, the welfare division may pursue any remedy available pursuant to chapter 112 of NRS with respect to the transfer.

4. The amount of Medicaid paid to or on behalf of a person is a claim against the estate in any probate proceeding only at a time when there is no surviving spouse or surviving child who is under 21 years of age or is blind or permanently and totally disabled.

5. The *state welfare* administrator may elect not to file a claim against the estate of a recipient of Medicaid or his spouse if he determines that the filing of the claim will cause an undue hardship for the spouse or other survivors of the recipient. The *state welfare* administrator shall adopt regulations defining the circumstances that constitute an undue hardship.

6. Any recovery of money obtained pursuant to this section must be applied first to the cost of recovering the money. Any remaining money must be divided among the Federal Government, the department and the county in the proportion that the amount of assistance each contributed to the recipient bears to the total amount of the assistance contributed.

7. An action to recover money owed to the department ~~of~~ ~~human resources~~ as a result of the payment of benefits for Medicaid must be commenced within 6 months after the cause of action accrues. A cause of action accrues after all of the following events have occurred:

- (a) The death of the recipient of Medicaid;
- (b) The death of the surviving spouse of the recipient of Medicaid;
- (c) The death of all children of the recipient of Medicaid who are blind or permanently and totally disabled as determined in accordance with 42 U.S.C. § 1382c; and
- (d) The arrival of all other children of the recipient of Medicaid at the age of 21 years.

Sec. 64. NRS 422.298 is hereby amended to read as follows:

422.298 1. A decision or order issued by a hearing officer must be in writing. A final decision must include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory or regulatory language, must be accompanied by a concise and explicit statement of the underlying facts supporting the findings. A copy of the decision or order must be delivered by certified mail to each party and to his attorney or other representative.

2. The welfare division or an applicant for or recipient of public assistance may, at any time within 90 days after the date on which the written notice of the decision is mailed, petition the district court of the judicial district in which the applicant for or recipient of public assistance resides to review the decision. The

district court shall review the decision on the record of the case before the hearing officer. The decision and record must be certified as correct and filed with the clerk of the court by the *state welfare* administrator.

Sec. 66. NRS 422.2997 is hereby amended to read as follows:

422.2997 1. Upon receipt of a request for a hearing from a provider of services under the state plan for Medicaid, the ~~{welfare}~~ division *of health care financing and policy* shall appoint a hearing officer to conduct the hearing. Any employee or other representative of the ~~{welfare}~~ division *of health care financing and policy* who investigated or made the initial decision regarding the action taken against a provider of services may not be appointed as the hearing officer or participate in the making of any decision pursuant to the hearing.

2. The ~~{welfare}~~ division *of health care financing and policy* shall adopt regulations prescribing the procedures to be followed at the hearing.

3. The decision of the hearing officer is a final decision. Any party, including the ~~{welfare division;}~~ *division of health care financing and policy*, who is aggrieved by the decision of the hearing officer may appeal that decision to the district court. The review of the court must be confined to the record. The court shall not substitute its judgment for that of the hearing officer as to the weight of the evidence on questions of fact. The court may affirm the decision of the hearing officer or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions or decisions are:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the ~~{welfare division;}~~ *division of health care financing and policy;*
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Sec. 69. NRS 422.377 is hereby amended to read as follows:

422.377 The *state welfare* administrator:

- 1. Shall adopt regulations for the administration of the program;
- 2. Shall report to the interim finance committee quarterly concerning the regulations adopted by the welfare division for the administration of the program;
- 3. May contract with any state or private agency to provide any of the services of the program; and

4. May receive a grant of money from the Federal Government or any other source to defray the costs of the program.

Sec. 72. NRS 422.385 is hereby amended to read as follows:

422.385 1. The allocations and payments required pursuant to NRS 422.387 must be made, to the extent allowed by the state plan for Medicaid, from the Medicaid budget account.

2. Except as otherwise provided in subsection 3, the money in the intergovernmental transfer account must be transferred from that account to the Medicaid budget account to the extent that money is available from the Federal Government for proposed expenditures, including expenditures for administrative costs. If the amount in the account exceeds the amount authorized for expenditure by the ~~{department}~~ **division of health care financing and policy** for the purposes specified in NRS 422.387, the ~~{department}~~ **division of health care financing and policy** is authorized to expend the additional revenue in accordance with the provisions of the state plan for Medicaid.

3. If enough money is available to support Medicaid, money in the intergovernmental transfer account may be transferred to an account established for the provision of health care services to uninsured children who are under the age of 13 years pursuant to a federal program in which at least 50 percent of the cost of such services is paid for by the Federal Government, if enough money is available to continue to satisfy existing obligations of the Medicaid program or to carry out the provisions of sections 2 and 3 of ~~{this act.}~~ **Senate Bill No. 470 of this session.**

Sec. 89. 1. This section and sections 2 to ~~{14.1,}~~ **13**, inclusive, **14.1**, 14.3 to 29, inclusive, 32 ~~{to 43, inclusive,}~~ **34, 35, 37, 38, 39, 41, 42, 43**, 45, 47, ~~{49}~~ **51** to 54, inclusive, 56, 57, 59, 63, ~~{64, 67 to 71, inclusive, and}~~ **67, 68, 70, 71**, 74 to **80.4, inclusive, 80.7 and 81 to 88**, inclusive, of this act become effective on July 1, 1997.

2. Sections 1, ~~{30, 30.5,}~~ **14, 33, 36, 40**, 44, 46, ~~{48, 54.5,}~~ **49, 50**, 58, 60, ~~{61,}~~ 62, **64**, 65, 66, **69**, ~~{72 and}~~ 73, **80.5 and 80.6** of this act become effective at 12:01 a.m. on July 1, 1997.

3. Sections ~~{31 and 55}~~ **30, 30.5, 48, 54.5, 61 and 72** of this act become effective at 12:02 a.m. on July 1, 1997.

4. **Sections 31 and 55 of this act become effective at 12:03 a.m. on July 1, 1997.**

5. Section 14.2 of this act becomes effective on July 1, 1998.

~~{5.}~~ **6.** Sections 1 to 14.4, inclusive, 15 to 30, inclusive, 31 to 54, inclusive, 55 to 80.3, inclusive, **80.5, 80.6, 80.7** and 84 of this act, and subsection 1 of section 81 of this act, expire by limitation on June 30, 1999.

2. Chapter 550, Statutes of Nevada 1997, at page 2641, is hereby amended by adding thereto new sections to be designated as sections 80.4 to 80.7, inclusive, immediately following section 80.3, to read respectively as follows:

Sec. 80.4. Section 253 of chapter 482, Statutes of Nevada 1997, at page 1973, is hereby amended to read as follows:

Sec. 253. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The governor.
- (b) The department of prisons.
- (c) The University and Community College System of Nevada.
- (d) The office of the military.
- (e) The state gaming control board.
- (f) The Nevada gaming commission.
- (g) The welfare division of the department of human resources.

(h) The state board of examiners acting pursuant to chapter 217 of NRS.

(i) Except as otherwise provided in NRS 533.365, the office of the state engineer.

2. Except as otherwise provided in NRS 391.323, the department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions 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. 80.5. Section 80.4 of this act is hereby amended to read as follows:

Sec. 80.4. Section 253 of chapter 482, Statutes of Nevada 1997, at page 1973, is hereby amended to read as follows:

Sec. 253. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of prisons.

(c) The University and Community College System of Nevada.

(d) The office of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) The welfare division of the department of human resources.

(h) The division of health care financing and policy of the department of human resources.

(i) The state board of examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the office of the state engineer.

2. Except as otherwise provided in NRS 391.323, the department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment

security division of the department of employment, training and rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions 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:

(a) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 2. Section 1 of this act is hereby amended to read as follows:

Section 1. 1. The 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~~ 156 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:

(a) "Facility for intermediate care" has the meaning ascribed to it in NRS 449.0038.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 80.7. Sections 18, 20 and 23 of chapter 489, Statutes of Nevada 1997, at pages 2227, 2228 and 2230, respectively, are hereby amended to read respectively as follows:

Sec. 18. ***1. The state welfare administrator shall establish by regulation an agreement of cooperation that must be signed by the head of a household as a condition to the receipt of benefits.***

2. The agreement required pursuant to subsection 1 must include a statement of:

(a) The actions that the members of the household are expected to take as a condition to the receipt of benefits; and

(b) The penalties that may be imposed by the welfare division pursuant to section 22 of Assembly Bill No. 401 of this session for failing to comply with the provisions of the agreement or the plan for personal responsibility signed by the head of the household pursuant to section 17 of Assembly Bill No. 401 of this session.

Sec. 20. 1. Subject to the provisions of 42 U.S.C. § 607(e), the welfare division shall require each head of a household who is not suffering from a hardship described in subsection 7 of section 23 of Assembly Bill No. 401 of this session to perform work:

(a) Within a reasonable time after the welfare division determines that the head of the household is capable of finding and performing work; or

(b) Not later than the date on which the head of the household has received benefits for 24 months, regardless of whether those months are consecutive or cumulative, whichever occurs earlier.

2. A head of a household who does not comply with the requirements of this section:

(a) Shall be deemed to have failed to comply with the terms of the plan for personal responsibility signed by him pursuant to section 17 of Assembly Bill No. 401 of this session; and

(b) Is subject to the penalties prescribed in section 22 of Assembly Bill No. 401 of this session for the failure to comply with the terms of that plan.

3. The state welfare administrator shall adopt regulations setting forth the activities that will constitute work for the purposes of this section.

Sec. 23. 1. Except as otherwise provided in subsection 2, a household that receives benefits for 24 months, regardless of whether those months are consecutive or cumulative, is prohibited from receiving additional benefits for 12 consecutive months, unless the head of the household is suffering from a hardship.

2. The household may receive additional benefits for not more than 6 additional months, regardless of whether those months are consecutive or cumulative, if the state welfare administrator determines that providing benefits to the household will significantly increase the likelihood that the head of the household will become self-sufficient and will not need to apply for benefits in the future. A household that receives any additional benefits pursuant to this subsection is prohibited from receiving benefits for 12 consecutive months after the additional benefits cease to be provided, unless the head of the household is suffering from a hardship.

3. The division shall not provide benefits to a household if an adult member of that household has received benefits from this or any other state for 60 months, regardless of whether those months are consecutive or cumulative, unless the head of the household is suffering from a hardship.

4. Except as otherwise provided in subsections 5 and 6, a household that is receiving benefits beyond the period prescribed in subsection 1, 2 or 3 because the head of the household is suffering from a hardship may continue to receive benefits for as long as the head of the household suffers from the hardship. Once the head of the household no longer suffers from the hardship, the household is not eligible to receive benefits:

(a) For 12 consecutive months if the household has not received benefits from this or any other state for 60 months, regardless of whether those months are consecutive or cumulative; or

(b) During the lifetime of the head of the household if the household has received benefits from this or any other state for 60 months, regardless of whether those months are consecutive or cumulative, unless the head of the household again suffers from a hardship.

5. A household that is receiving benefits pursuant to this section because the head of the household is suffering from a hardship described in paragraph (c) of subsection 7 may not receive benefits pursuant to this section solely because of that hardship for more than 12 months during the lifetime of the head of the household.

6. Notwithstanding any other provision of this section, if the state welfare administrator determines that the denial or suspension of benefits provided to a household solely because the head of the household is deemed to be suffering from a hardship is necessary to ensure that this state does not exceed the limitation set forth in 42 U.S.C. § 608(a)(7)(C), the state welfare administrator may deny or suspend such benefits. The state welfare administrator shall send written notice to a household whose benefits will be denied or suspended pursuant to this subsection.

7. For the purposes of this section, the head of a household shall be deemed to be suffering from a hardship if the welfare division determines that he:

(a) Is ill or physically or mentally incapacitated;

(b) Must care for an ill or incapacitated member of his household;

(c) Is a single custodial parent of a child who is less than 1 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; an

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(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.

2. Section 239 of this act expires by limitation on June 30, 2003.

Sec. 76. Sections 7 and 24 of chapter 556, Statutes of Nevada 1997, at pages 2688 and 2700, respectively, are hereby amended to read respectively as follows:

Sec. 7. NRS 624.270 is hereby amended to read as follows:

624.270 1. Before issuing a contractor's license to any applicant, the board shall require that the applicant:

(a) File with the board a surety bond in a form acceptable to the board executed by the contractor as principal with a corporation authorized to transact surety business in the State of Nevada as surety; or

(b) In lieu of such a bond, establish with the board a cash deposit as provided in this section.

2. Before granting renewal of a contractor's license to any applicant, the board shall require that the applicant file with the board satisfactory evidence that his surety bond or cash deposit is in full force, unless the applicant has been relieved of the requirement as provided in this section.

3. Failure of an applicant or licensee to file or maintain in full force the required bond or to establish the required cash deposit constitutes cause for the board to deny, revoke, suspend or refuse to renew a license.

4. Except as otherwise provided in subsection 6, the amount of each bond or cash deposit required by this section must be fixed by the board with reference to the contractor's financial and professional responsibility and the magnitude of his operations, but must be not less than \$1,000 or more than ~~[\$50,000]~~ **\$100,000**. The bond must be continuous in form and must be conditioned that the total aggregate liability of the surety for all claims is limited to the face amount of the bond irrespective of the number of years the bond is in force. The board may increase or reduce the amount of any bond or cash deposit if evidence supporting such a change in the amount is presented to the board at the time application is made for renewal of a license or at any hearing conducted pursuant to NRS 624.310. Unless released earlier pursuant to subsection 5, any cash deposit may be withdrawn 2 years after termination of the license in connection with which it was established, or 2 years after completion of all work authorized by the board after termination of the license, whichever occurs later, if there is no outstanding claim against it.

5. After a licensee has acted in the capacity of a licensed contractor in the State of Nevada for not less than 5 consecutive years, the board may relieve the licensee of the requirement of filing a bond or establishing a cash deposit if evidence supporting such relief is presented to the board. The board may at any time thereafter require the licensee to file a new bond or establish a new cash deposit as provided in subsection 4 if evidence is presented to

the board supporting this requirement or, pursuant to subsection 6, after notification of a final written decision by the labor commissioner. If a licensee is relieved of the requirement of establishing a cash deposit, the deposit may be withdrawn 2 years after such relief is granted, if there is no outstanding claim against it.

6. If the board is notified by the labor commissioner pursuant to section 2 of ~~{this act}~~ **Senate Bill No. 368 of this session** that three substantiated claims for wages have been filed against a contractor within a 2-year period, the board shall require the contractor to file a bond or establish a cash deposit in an amount fixed by the board. The contractor shall maintain the bond or cash deposit for the period required by the board.

7. As used in this section, "substantiated claims for wages" has the meaning ascribed to it in section 2 of ~~{this act.}~~ **Senate Bill No. 368 of this session.**

Sec. 24. ~~{Section}~~ **Sections 6 and 7** of this act ~~{becomes}~~ **become** effective at 12:01 a.m. on October 1, 1997.

Sec. 77. Sections 4 and 13 of chapter 557, Statutes of Nevada 1997, at pages 2703 and 2706, respectively, are hereby amended to read respectively as follows:

Sec. 4. NRS 353.335 is hereby amended to read as follows:

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the governor shall take reasonable and proper action to accept it and shall report the action and his reasons for determining that immediate action was necessary to the interim finance committee at its first meeting after the action is taken. Action by the governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The governor determines that any proposed gift or grant would be forfeited if the state failed to accept it before the expiration of the period prescribed in paragraph (c), he may declare that the proposed acceptance requires expeditious action by the interim finance committee. Whenever the governor so declares, the interim finance committee has 15 days after the proposal is submitted to its secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the interim finance committee. The interim finance committee has 45 days after the proposal is submitted to its secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The secretary shall place each request submitted to him pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the interim finance committee.

4. In acting upon a proposed gift or grant, the interim finance committee shall consider, among other things:

(a) The need for the facility or service to be provided or improved;

(b) Any present or future commitment required of the state;

(c) The extent of the program proposed; and

(d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding \$10,000 each in value; and

(b) Governmental grants not exceeding ~~[\$50,000]~~ **\$100,000** each in value,

if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the governor or, if the governor delegates this power of approval to the chief of the budget division of the department of administration, the specific approval of the chief.

6. This section does not apply to:

(a) The state industrial insurance system;

(b) The University and Community College System of Nevada; or

(c) The department of human resources while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to section 1 of ~~[this act.]~~ **Senate Bill No. 319 of this session.**

Sec. 13. 1. This section and sections 7 to 11, inclusive, of this act become effective on June 30, 1997.

2. Sections 1 ~~[to 6, inclusive,]~~ **2, 3, 5 and 6** of this act become effective on July 1, 1997.

3. Section 4 of this act becomes effective at 12:01 a.m. on July 1, 1997.

Sec. 78. 1. Section 19 of chapter 558, Statutes of Nevada 1997, at page 2715, is hereby amended to read as follows:

Sec. 19. This act becomes effective ~~[upon passage and approval.]~~ **on July 15, 1997.**

2. Chapter 558, Statutes of Nevada 1997, at page 2715, is hereby amended by adding thereto new sections to be designated as sections 18.1 to 18.6, inclusive, immediately following section 18, to read respectively as follows:

Sec. 18.1. Section 31.1 of chapter 480, Statutes of Nevada 1997, at page 1857, is hereby amended to read as follows:

Sec. 31.1. NRS 387.030 is hereby amended to read as follows:

387.030 All money derived from interest on the state permanent school fund, together with all money derived from other sources provided by law, must:

1. Be placed in the state distributive school account which is hereby created in the state general fund; and

2. Except as otherwise provided in section 8 of ~~{this act,}~~ *Senate Bill No. 468 of this session*, be apportioned among the several school districts *and charter schools* of ~~{the}~~ *this* state at the times and in the manner provided by law.

Sec. 18.2. Section 31.3 of chapter 480, Statutes of Nevada 1997, at page 1857, is hereby amended to read as follows:

Sec. 31.3. NRS 387.040 is hereby amended to read as follows:

387.040 1. Except as otherwise provided in subsection 2 and section 8 of ~~{this act,}~~ *Senate Bill No. 468 of this session*, the state treasurer shall pay over all public school money received by him *for the support of school districts* only on warrants of the state controller issued upon the orders of the superintendent of public instruction in favor of county treasurers. When endorsed, the orders are valid vouchers in the hands of the state controller for the disbursement of public school money.

2. Except as otherwise provided in section 8 of ~~{this act,}~~ *Senate Bill No. 468 of this session*, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, the state treasurer shall pay over to the school district all public school money due ~~{to}~~ the school district.

3. *The state treasurer shall pay over all public school money received by him for the support of charter schools only on warrants of the state controller issued upon the orders of the superintendent of public instruction in favor of the charter schools. When endorsed, the orders are valid vouchers in the hands of the state controller for the disbursement of public school money.*

Sec. 18.3. Section 34.6 of chapter 480, Statutes of Nevada 1997, at page 1862, is hereby amended to read as follows:

Sec. 34.6. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in section 8 of ~~{this act.}~~ *Senate Bill No. 468 of this session:*

1. On or before August 1, November 1, February 1 and May 1 of each year, the superintendent shall apportion the state distributive school account in the state general fund among the several county school districts *and charter schools* in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve.

~~{Apportionment}~~ *The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available ~~{}~~ pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school.* No apportionment may be made *to a school district* if the amount of the local funds exceeds the amount of basic support. *The apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.*

2. If the state controller finds that such an action is needed to maintain the balance in the state general fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the state controller shall submit a report to the department of administration and the fiscal analysis division of the legislative counsel bureau documenting reasons for the action.

Sec. 18.4. Section 35.1 of chapter 480, Statutes of Nevada 1997, at page 1863, is hereby amended to read as follows:

Sec. 35.1. NRS 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in subsection 2 and section 8 of ~~{this act.}~~ *Senate Bill No. 468 of this session*, all school money due each county school district must be paid over by the state treasurer to the county treasurer on August 1,

November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

2. Except as otherwise provided in section 8 of ~~[this act,]~~ *Senate Bill No. 468 of this session*, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due ~~[to]~~ that school district must be paid over by the state treasurer to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this Title and regulations adopted pursuant thereto.

4. All school money due each charter school must be paid over by the state treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the state controller drawn in conformity with the apportionment of the superintendent of public instruction as provided in NRS 387.124.

Sec. 18.5. Section 35.2 of chapter 480, Statutes of Nevada 1997, at page 1864, is hereby amended to read as follows:

Sec. 35.2. NRS 387.205 is hereby amended to read as follows:

387.205 1. Money on deposit in the county school district fund or in a separate account, if the board of trustees of a school district has elected to establish such an account ~~[under]~~ *pursuant to* the provisions of NRS 354.603, must be used for:

(a) Maintenance and operation of *the* public schools ~~[H]~~ *controlled by the county school district.*

(b) Payment of premiums for Nevada industrial insurance.

(c) Rent of schoolhouses.

(d) Construction, furnishing or rental of teacherages, when approved by the superintendent of public instruction.

(e) Transportation of pupils, including the purchase of new buses.

(f) Programs of nutrition, if such expenditures do not curtail the established school program or make it necessary to shorten the school term, and each pupil furnished lunch whose parent or

guardian is financially able so to do pays at least the actual cost of the lunch.

(g) Membership fees, dues and contributions to an interscholastic activities association.

(h) Repayment of a loan made from the state permanent school fund pursuant to section 7 of ~~[this act.]~~ *Senate Bill No. 468 of this session.*

2. Money on deposit in the county school district fund, or in a separate account, if the board of trustees of a school district has elected to establish such an account ~~[under]~~ *pursuant to* the provisions of NRS 354.603, when available, may be used for:

(a) Purchase of sites for school facilities.

(b) Purchase of buildings for school use.

(c) Repair and construction of buildings for school use.

Sec. 18.6. Section 14 of chapter 585, Statutes of Nevada 1997, at page 2879, is hereby amended to read as follows:

Sec. 14. NRS 355.060 is hereby amended to read as follows:

355.060 1. The state controller shall notify the state treasurer monthly of the amount of uninvested money in the state permanent school fund.

2. Whenever there is a sufficient amount of money for investment in the state permanent school fund, the state treasurer shall proceed to negotiate for the investment of the money in:

(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 ~~[or]~~ *; 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 $1^{\circ}43'54''$ 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 $88^{\circ}12'41''$ *East, 588.99 feet; thence South $1^{\circ}48'24''$ West, 65.00 feet; thence south $88^{\circ}12'41''$* east 669.35 feet to a point on the west right-of-way line of Sutro Street; thence south $0^{\circ}33'14''$ 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 $89^{\circ}16'47''$ 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.

Sec. 23.2. Section 8 of this act is hereby amended to read as follows:

Sec. 8. "Revenue" does not include:

1. Any proceeds from the interstate sale of natural gas to a provider of electric energy that holds a certificate of public convenience and necessity issued by the public ~~{service}~~ **utilities** commission of Nevada;

2. Any revenue of a provider of a telecommunication service other than intrastate revenue that the provider collects from retail customers; or

3. The amount deducted from the gross revenue of a community antenna television company pursuant to paragraph (b) of subsection 2 of NRS 711.200.

3. Chapter 565, Statutes of Nevada 1997, at page 2765, is hereby amended by adding thereto new sections to be designated as sections 47.1 and 47.2, immediately following section 47, to read respectively as follows:

Sec. 47.1. 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, 333.7, 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 174, inclusive, 176, 178 to 221, inclusive, 223 to 227, inclusive, 229, 234 to ~~{278,}~~ **274**, inclusive, **276, 277, 278**, 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, 228 and 330 of this act become effective at 12:01 a.m. on October 1, 1997.

Sec. 47.2. Section 275 of chapter 482, Statutes of Nevada 1997, at page 1987, is hereby repealed.

Sec. 81. Sections 1 and 10 of chapter 566, Statutes of Nevada 1997, at pages 2765 and 2767, respectively, are hereby amended to read respectively as follows:

Section 1. Chapter 616A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Any:*

(a) Teacher who, as part of the program to offer pupils who are enrolled in grades 7 through 12, inclusive, the skills to make the transition from school to careers established pursuant to NRS 388.368, works without pay for an employer other than the school district, university or community college with which the teacher is employed, and is not specifically covered by any other provisions of chapters 616A to 616D, inclusive, of NRS, while engaging in that work; or

(b) Pupil who, as part of the program to offer pupils who are enrolled in grades 7 through 12, inclusive, the skills to make the transition from school to careers established pursuant to NRS 388.368, works without pay for an employer, shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of that employer at the wage of \$900 per month. The teacher or pupil is entitled to the benefits of those chapters when the employer complies with the provisions of those chapters and the regulations adopted pursuant thereto.

2. *A person who is insured by the system and is deemed to be the employer of a teacher or pupil pursuant to subsection 1 shall:*

(a) Report to the insurer the name of the teacher or pupil and the classification of risk assigned for the teacher or pupil; and

(b) Pay the premium for each month or portion thereof for which the teacher or pupil performs work without pay for the employer.

Sec. 10. 1. This act becomes effective upon passage and approval.

2. *Section 1 of this act expires by limitation on June 30, 2003.*

Sec. 82. Section 20 of chapter 570, Statutes of Nevada 1997, at page 2783, is hereby amended to read as follows:

Sec. 20. NRS 293.3608 is hereby amended to read as follows:
293.3608 On election day the county **or city** clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record printed on paper of the

total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) The items ~~for~~

~~—(1) Sorted~~ **sorted** and counted pursuant to subsection 3 of NRS 293.3604; ~~for~~

~~—(2) Counted pursuant to subsection 2 of NRS 298.360;~~

(b) The records printed on paper provided pursuant to subsection 1; and

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 83. 1. Sections 39 and 41 of chapter 573, Statutes of Nevada 1997, at page 2821, are hereby amended to read respectively as follows:

Sec. 39. 1. NRS 82.146, 82.151, 82.156, 82.161, 82.166, 82.171 and 82.176, **and section 25 of chapter 631, Statutes of Nevada 1997, at page 3126,** are hereby repealed.

2. NRS 225.160 is hereby repealed.

Sec. 41. 1. This section, section 3, subsection 2 of section 39 and section 40 of this act become effective on July 1, 1997.

2. Sections 1, 4 to ~~38~~ **8, inclusive, 10 to 38.5,** inclusive, and subsection 1 of section 39 of this act become effective on October 1, 1997.

3. ~~Section~~ **Sections 2 and 9** of this act ~~becomes~~ **become** effective on October 1, 1997, and ~~expires~~ **expire** by limitation on July 1, 1999.

4. Section 8.5 of this act becomes effective on July 2, 1999.

2. Chapter 573, Statutes of Nevada 1997, at page 2806, is hereby amended by adding thereto a new section to be designated as section 8.5, immediately following section 8, to read as follows:

Sec. 8.5. NRS 225.140 is hereby amended to read as follows:

225.140 1. Except as otherwise provided in subsection 2, in addition to other fees authorized by law, the secretary of state shall charge and collect the following fees:

For a copy of any law, joint resolution, transcript of
record, or other paper on file or of record in his
office, other than a document required to be filed
pursuant to Title 24 of NRS, per page\$1.00
For a copy of any document required to be filed
pursuant to Title 24 of NRS, per page50
For certifying to any such copy and use of the state
seal, for each impression..... 10.00
For each passport or other document signed by the
governor and attested by the secretary of state10.00
For a negotiable instrument returned unpaid10.0
0

2. The secretary of state:

(a) Shall charge a reasonable fee for searching records and documents kept in his office.

(b) May charge or collect any filing or other fees for services rendered by him to the State of Nevada, any local governmental agency or agency of the Federal Government, or any officer thereof in his official capacity or respecting his office or official duties.

(c) May not charge or collect a filing or other fee for:

(1) Attesting extradition papers or executive warrants for other states.

(2) Any commission or appointment issued or made by the governor, either for the use of the state seal or otherwise.

(d) May charge a reasonable fee, not to exceed \$100, for providing special services including, but not limited to, providing service on the day it is requested or within 24 hours, accepting documents filed by facsimile machine, and other use of new technology.

(e) Shall charge a fee, not to exceed the actual cost to the secretary of state, for providing:

(1) A copy of any record kept in his office that is stored on a computer or on microfilm if the copy is provided on a tape, disk or other medium used for the storage of information by a computer or on duplicate film.

(2) Access to his computer data base on which records are stored.

3. ~~Except as otherwise provided in section 2 of this act, all~~ **All** fees collected pursuant to paragraph (d) of subsection 2 must be deposited with the state treasurer for credit to the account for special services of the secretary of state in the state general fund. Any amount remaining in the account at the end of a fiscal year in excess of \$2,000,000 must be transferred to the state general fund. Money in the account may be transferred to the secretary of state's operating general fund budget account and must only be used to create and maintain the capability of the office of the secretary of state to provide special services, including, but not limited to, providing service:

(a) On the day it is requested or within 24 hours; or

(b) Necessary to increase or maintain the efficiency of the office.

Any transfer of money from the account for expenditure by the secretary of state must be approved by the interim finance committee.

3. Chapter 573, Statutes of Nevada 1997, at page 2821, is hereby amended by adding thereto a new section to be designated as section 38.5, immediately following section 38, to read as follows:

Sec. 38.5. Section 24 of chapter 208, Statutes of Nevada 1997, at page 709, is hereby amended to read as follows:

Sec. 24. Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of directors of a corporation without shares of stock which was organized before October 1, 1991, pursuant to any provision of chapter 81 of NRS or a predecessor statute and whose permissible term of existence as stated in the articles of incorporation has expired may, within 10 years after the date of the expiration of its existence, elect to revive its charter and accept this chapter by adopting a resolution reviving the expired charter and adopting new articles of incorporation conforming to this chapter and any other statutes pursuant to which the corporation may have been organized. The new articles of incorporation need not contain the names, addresses, signatures or acknowledgments of the incorporators.

2. A certificate of election to accept this chapter pursuant to this section must be signed by the president or a vice president and acknowledged before a person authorized by the laws of this state to take acknowledgments of deeds, and must set forth:

(a) The name of the corporation.

(b) A statement by the corporation that it has elected to accept this chapter and adopt new articles of incorporation conforming to the provisions of this chapter and any other statutes pursuant to which the corporation may have been organized.

(c) A statement by the corporation that since the expiration of its charter it has remained organized and continued to carry on the activities for which it was formed and authorized by its original articles of incorporation and amendments thereto, and desires to continue through revival its existence pursuant to and subject to the provisions of this chapter.

(d) A statement that the attached copy of the articles of incorporation of the corporation are the new articles of incorporation of the corporation.

(e) A statement setting forth the date of the meeting of the board of directors at which the election to accept and adopt was made, that a quorum was present at the meeting and that the acceptance and adoption were authorized by a majority vote of the directors present at the meeting.

3. The certificate so signed and acknowledged, and a certificate of acceptance of appointment executed by the resident agent of the corporation, must be filed in the office of the secretary of state.

4. ~~If the corporation is not in compliance with the provisions of NRS 82.146 or 82.176, it must comply with the provisions of those sections and pay the fees required by NRS 82.146 to 82.171, inclusive.~~

~~5.]~~ The new articles of incorporation become effective on the date of filing the certificate. The corporation's existence continues from the date of expiration of the original term, with all the corporation's rights, franchises, privileges and immunities and subject to all its existing and preexisting debts, duties and liabilities.

Sec. 84. 1. Section 2 of chapter 576, Statutes of Nevada 1997, at page 2826, is hereby amended to read as follows:

Sec. 2. This act becomes effective ~~upon passage and approval.]~~ **on July 15, 1997.**

2. Chapter 576, Statutes of Nevada 1997, at page 2826, is hereby amended by adding thereto a new section to be designated as section 1.1, immediately following section 1, to read as follows:

Sec. 1.1. Section 34.7 of chapter 480, Statutes of Nevada 1997, at page 1862, is hereby amended to read as follows:

Section 34.7. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and special education program units and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear.

2. The apportionments to a school district may be adjusted during a fiscal year by the department of education, upon approval by the board of examiners and the interim finance committee, if the department of taxation and the county assessor in the county in which the school district is located certify to the department of education that the school district will not receive the tax levied pursuant to subsection 1 of NRS 387.195 on property of the Federal Government located within the county if:

(a) The leasehold interest, possessory interest, beneficial interest or beneficial use of the property is subject to taxation pursuant to NRS 361.157 and 361.159 and one or more lessees or users of the property are delinquent in paying the tax; and

(b) The total amount of tax owed but not paid for the fiscal year by any such lessees and users is at least 5 percent of the proceeds that the school district would have received from the tax levied pursuant to subsection 1 of NRS 387.195.

If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the distributive school account in the state general fund an amount equal to the tax received from the

lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.

3. A final adjustment must be computed as soon as practicable following the close of the school year, but not later than August 25. The final computation must be based upon the actual counts of pupils required to be made for the computation of basic support and the limits upon the support of special education programs, except that for any year when the total enrollment of pupils and children described in paragraphs (a), (b), (c) and (d) of subsection 1 of NRS 387.123 is greater on the last day of any school month after the second school month and the increase in enrollment shows at least:

(a) A 3 percent gain, basic support as computed from first month enrollment must be increased by 2 percent.

(b) A 6 percent gain, basic support as computed from first month enrollment must be increased by an additional 2 percent.

4. If the final computation of apportionment for any school district *or charter school* exceeds the actual amount paid to the school district *or charter school* during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district *or charter school* is less than the actual amount paid to the school district *or charter school* during the school year, the difference must be repaid to the state distributive school account in the state general fund by the school district *or charter school* before September 25.

Sec. 85. 1. Section 1 of chapter 577, Statutes of Nevada 1997, at page 2826, is hereby amended to read as follows:

Section 1. NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise ~~permitted~~ *provided* by subsection 3, ~~when any~~ *if a* municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next ~~primary or~~ general municipal election or ~~primary or~~ general state election.

2. Such a special election may be held:

(a) At any time if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year.

The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the

governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 60 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality who together with any corporate petitioners own not less than 2 percent in assessed value of the taxable property of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election and assessed values must be determined from the next preceding final assessment roll. An authorized corporate officer may sign such a petition whether or not he is a registered voter. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. A municipality may issue special or medium-term obligations without an election.

2. Chapter 577, Statutes of Nevada 1997, at page 2827, is hereby amended by adding thereto new sections to be designated as sections 2 and 3, immediately following section 1, to read respectively as follows:

Sec. 2. Sections 18 and 31 of chapter 516, Statutes of Nevada 1997, at pages 2464 and 2470, respectively, are hereby amended to read respectively as follows:

Sec. 18. NRS 350.020 is hereby amended to read as follows:
350.020 1. Except as otherwise provided by ~~subsection 3,~~ **subsections 3 and 4**, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year.

The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 60 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality who together with any corporate petitioners own not less than 2 percent in assessed value of the taxable property of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the

governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election and assessed values must be determined from the next preceding final assessment roll. An authorized corporate officer may sign such a petition whether or not he is a registered voter. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. *Until June 30, 2008, the board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds in such a manner. If the question is approved, the board of trustees of the school district may issue the bonds, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to section 6 of this act in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.085 to 350.095, inclusive.*

5. *At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve 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 ~~1, 18~~ and 19 of this act become effective on October 1, 1997. The amendatory provisions of sections 17 ~~1, 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, 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.

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. 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 and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;
(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; and

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils in attendance in that period.

In addition, the board shall also report the results of other examinations of pupil achievement administered to pupils in the school district in grades other than 4, 8, 10 and 11. The results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, the average class size for each required course of study for each secondary school in the district and the district as a whole, and other data concerning licensed and unlicensed employees of the school district.

(d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher, for each school in the district and the district as a whole.

(e) The total expenditure per pupil for each school in the district and the district as a whole.

(f) The curriculum used by the school district, including any special programs for pupils at an individual school.

(g) ~~Records~~ *The annual rate* of the attendance and truancy of pupils in all grades, including, without limitation, the average daily attendance of pupils, for each school in the district and the district as a whole.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole.

(j) Efforts made by the school district and by each school in the district to increase:

(1) Communication with the parents of pupils in the district;
and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The transiency rate of pupils for each school in the district and the district as a whole.

(o) Each source of funding for the school district.

(p) For each high school in the district, the percentage of pupils who graduated from that high school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(q) The technological facilities and equipment available at each school and the district's plan to incorporate educational technology at each school.

(r) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teachers Association;
- (5) Budget division of the department of administration; and
- (6) Legislative counsel bureau,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

4. On or before April 15 of each year, the board of trustees of each school district shall submit to the advisory board to review

school attendance created in the county pursuant to section 4 of this act the information required in paragraph (g) of subsection 2.

Sec. 14. Chapter 62 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other action authorized pursuant to the provisions of this chapter, if a child is found to be in need of supervision because he is a habitual truant, the court shall:

(a) The first time the child is found to be in need of supervision because he is a habitual truant:

(1) Order the child to pay a fine of not more than \$100 pursuant to paragraph (l) of subsection 1 of NRS 62.211 and the administrative assessment required by NRS 62.223; and

(2) If the child is 14 years of age or older, order the suspension of the child's driver's license for 30 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 30 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.

(b) The second or any subsequent time the child is found to be in need of supervision because he is a habitual truant:

(1) Order the child to:

(I) Pay a fine of not more than \$200 pursuant to paragraph (l) of subsection 1 of NRS 62.211 and the administrative assessment required by NRS 62.223;

(II) Perform not more than 10 hours of community 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;

(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; and

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils in attendance in that period.

In addition, the board shall also report the results of other examinations of pupil achievement administered to pupils in the school district in grades other than 4, 8, 10 and 11. The results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, *including, without limitation, each charter school in the district,* the average class size for each required course of study for each secondary school in the district and the district as a whole, *including, without limitation, each charter school in the district,* and other data concerning licensed and unlicensed employees of the school district.

(d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher, for each school in the district and the district as a whole

[H], including, without limitation, each charter school in the district.

(e) The total expenditure per pupil for each school in the district and the district as a whole **[H], including, without limitation, each charter school in the district.**

(f) The curriculum used by the school district, including **[any]** :

(1) **Any** special programs for pupils at an individual school **[H]; and**

(2) **The curriculum used by each charter school in the district.**

(g) The annual rate of the attendance and truancy of pupils in all grades, including, without limitation, the average daily attendance of pupils, for each school in the district and the district as a whole **[H], including, without limitation, each charter school in the district.**

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole **[H], including, without limitation, each charter school in the district.**

(j) Efforts made by the school district and by each school in the district, **including, without limitation, each charter school in the district,** to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district **[H], including, without limitation, each charter school in the district.**

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district **[H], including, without limitation, each charter school in the district.**

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The transiency rate of pupils for each school in the district and the district as a whole **[H], including, without limitation, each charter school in the district.**

(o) Each source of funding for the school district

.

(p) For each high school in the district, *including, without limitation, each charter school in the district*, the percentage of pupils who graduated from that high school *or charter school* in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(q) The technological facilities and equipment available at each school, *including, without limitation, each charter school*, and the district's plan to incorporate educational technology at each school.

(r) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teachers Association;
- (5) Budget division of the department of administration;

and

(6) Legislative counsel bureau,
concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

4. On or before April 15 of each year, the board of trustees of each school district shall submit to the advisory board to review school attendance created in the county pursuant to section 4 of ~~this act~~ *Assembly Bill No. 486 of this session* the information required in paragraph (g) of subsection 2.

Sec. 87. Section 11 of chapter 584, Statutes of Nevada 1997, at page 2863, is hereby amended to read as follows:

Sec. 11. NRS 487.480 is hereby amended to read as follows:

487.480 1. Before an operator of a salvage pool sells any vehicle subject to registration pursuant to the laws of this state, he must have in his possession the certificate of ownership or a bill of sale of salvage for that vehicle. He shall, within 10 days after completion of the transaction, forward the certificate of ownership or bill of sale of salvage to the department. The department shall

not issue a certificate of registration or certificate of ownership for a vehicle with the same identification number if the vehicle was manufactured in the 5 years preceding the date on which the operator forwards the certificates to the department, unless the department authorizes the restoration of the vehicle pursuant to subsection 2 of NRS 482.553.

2. Upon sale of the vehicle, the operator of the salvage pool shall provide a bill of sale of salvage to the licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder on a form prescribed and supplied by the department. The department shall accept the bill of sale in lieu of the certificate of ownership or other evidence of title from the:

(a) Automobile wrecker if accompanied by an appropriate 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 a legislative body that has elected to exercise the powers granted to an agency pursuant to the provisions of NRS 279.382 to 279.685, inclusive.

(c) Bonds or other securities issued pursuant to the provisions of NRS 349.150 to 349.364, inclusive, 350.500 to 350.720, inclusive, or 396.809 to 396.885, inclusive.

(d) 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.

(e) Any other investment in which a city may invest pursuant to NRS 355.170.

2. Purchase its bonds at a price not more than their principal amount and accrued interest. All bonds so purchased ~~shall~~ **must** be canceled.

Sec. 12. NRS 315.470 is hereby amended to read as follows:

315.470 An authority may:

1. Invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in ~~liquid securities in which savings banks may legally invest funds 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 a legislative body that has elected to exercise the powers granted an agency pursuant to NRS 279.382 to 279.685, inclusive.

(c) Bonds or other securities issued pursuant to the provisions of NRS 349.150 to 349.364, inclusive, 350.500 to 350.720, inclusive, or 396.809 to 396.885, inclusive.

(d) 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.

2. Redeem its bonds at the redemption price established therein or purchase its bonds at less than such redemption price . ~~[-all]~~ All bonds so redeemed or purchased ~~[shall]~~ **must** be canceled.

Sec. 89. 1. Section 28 of chapter 588, Statutes of Nevada 1997, at page 2975, is hereby amended to read as follows:

Sec. 28. **1.** This *section and sections 1 to 7, inclusive, and 8 to 27.5, inclusive, of this act* ~~[becomes]~~ **become** effective on July 1, 1997.

2. *Section 7.5 of this act becomes effective on December 1, 1997.*

2. Chapter 588, Statutes of Nevada 1997, at page 2968, is hereby amended by adding thereto a new section to be designated as section 7.5, immediately following section 7, to read as follows:

Sec. 7.5. ***"Fixed guideway" means a mass transportation facility which uses and occupies a separate right of way or rails exclusively for public transportation, including, without limitation, fixed rail, automated guideway transit and exclusive facilities for buses.***

3. Chapter 588, Statutes of Nevada 1997, at page 2975, is hereby amended by adding thereto new sections to be designated as sections 27.1 and 27.2, immediately following section 27, to read respectively as follows:

Sec. 27.1. Section 20 of chapter 513, Statutes of Nevada 1997, at page 2447, is hereby amended to read as follows:

Sec. 20. This *section and sections 1 and 3 to 19, inclusive, of this act* ~~[becomes]~~ **become** effective on December 1, 1997.

Sec. 27.2. Section 2 of chapter 513, Statutes of Nevada 1997, at page 2439, is hereby repealed.

Sec. 90. 1. Sections 1 and 3 of chapter 592, Statutes of Nevada 1997, at pages 2979 and 2980, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from taxation:

- (a) Personal property held for sale by a merchant;
- (b) Personal property held for sale by a manufacturer;
- (c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the 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 ~~["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.

Sec. 3. 1. This section and ~~section~~ *sections 2.1 and 2.2 of this act become effective on June 30, 1997.*

2. *Section 2 of this act* ~~become~~ *becomes* effective on July 1, 1997.

~~2.1~~ 3. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 1997.

2. Chapter 592, Statutes of Nevada 1997, at page 2980, 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. Sections 2 and 3 of chapter 317, Statutes of Nevada 1997, at pages 1197 and 1198, respectively, are hereby amended to read respectively as follows:

Sec. 2. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from taxation:

- (a) Personal property held for sale by a merchant;
- (b) Personal property held for sale by a manufacturer;
- (c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the 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;
- (i) Slide-in campers and camper shells; ~~and~~
- (j) Fine art for public display ~~and~~ *; and*
- (k) Computers and related equipment donated for use in schools in this state.*

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. *To qualify for the exemption provided in paragraph (k) of subsection 1, a taxpayer must donate the property through a foundation or organization, not for profit, that accepts such property for use in schools in this state. The foundation or organization shall issue a voucher identifying each item of property donated. To obtain the benefit of the exemption, the taxpayer must apply to the county assessor and tender the voucher. The county assessor shall compute the assessed value of the property for the year in which the donation was made using the original cost and the year of acquisition. The county assessor shall allow a credit of that amount against the personal property assessment for the year following the donation.*

5. As used in this section:

(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.

Sec. 3. This *section and section 2 of this* act ~~becomes~~ *become* effective *at 12:02 a.m.* on July 1, 1997, and ~~expires~~ *expire* by limitation on June 30, 2003.

Sec. 2.2. Section 1 of chapter 317, Statutes of Nevada 1997, at page 1197, is hereby repealed.

Sec. 91. 1. Section 1 of chapter 596, Statutes of Nevada 1997, at page 2990, is hereby amended to read as follows:

Section 1. 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, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, or by the commission or the department pursuant to the provisions of NRS 706.011 to 706.861, inclusive;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive;

(d) Fails to obey any order, decision or regulation of the commission or the department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the commission or the department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been canceled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued 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;

(b) Fails to make any return or report required by 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*, or by the ~~commission~~ authority or the department pursuant to 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;*

(c) Violates, or procures, aids or abets the violating of, any provision 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;*

(d) Fails to obey any order, decision or regulation of the ~~commission~~ *authority* or the department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the ~~commission~~ *authority* or the department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of 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;*

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been canceled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device 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.

3. Each vehicle dealer shall post each license issued to him by the department in a conspicuous place clearly visible to the general public at the location described in the license.

4. The department shall, by regulation, provide for the issuance of a temporary license for a licensed dealer to conduct business at a temporary location. Any such regulations must include the imposition of a reasonable fee for the issuance of the temporary license.

Sec. 4. ~~[Section]~~ *Sections 2 and* 3 of this act ~~[becomes]~~ *become* effective at 12:01 a.m. on October 1, 1997.

Sec. 93. Section 1 of chapter 598, Statutes of Nevada 1997, at page 2994, is hereby amended to read as follows:

Section 1. NRS 339.025 is hereby amended to read as follows:

339.025 1. Before any contract, except one subject to the provisions of chapter 408 of NRS, exceeding \$35,000 for any project for the new construction, repair or reconstruction of any public building or other public work or public improvement of any contracting body is awarded to any contractor, he ~~must~~ **shall** furnish to the contracting body the following bonds which become binding upon the award of the contract to the contractor:

(a) A performance bond in an amount to be fixed by the contracting body, but not less than 50 percent of the contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The bond must be solely for the protection of the contracting body which awarded the contract.

(b) A payment bond in an amount to be fixed by the contracting body, but not less than 50 percent of the contract amount. The bond must be solely for the protection of claimants supplying labor or materials to the contractor to whom the contract was awarded, or to any of his subcontractors, in the prosecution of the work provided for in such contract.

2. *If a general contractor has been awarded a contract, except one subject to the provisions of chapter 408 of NRS, by the state public works board for any project for new construction, repair or reconstruction of any public building or other public work or public improvement, each of his subcontractors who will perform work on the contract that exceeds \$50,000 or 1 percent of the proposed project, whichever amount is greater, shall furnish a bond to the board in an amount to be fixed by the board.*

3. Each of the bonds *required pursuant to this section* must be executed by one or more surety companies authorized to do business in the State of Nevada. If the contracting body is the State of Nevada or any officer, employee, board, bureau, commission, department, agency or institution thereof, the bonds must be payable to the State of Nevada. If the contracting body is other than one of those enumerated in this subsection, the bonds must be payable to the other contracting body.

~~3.~~ 4. Each of the bonds must be filed in the office of the contracting body which awarded the contract for which the bonds were given.

~~4.~~ 5. Nothing in this section prohibits a contracting body from requiring bonds.

Sec. 94. Section 13 of chapter 599, Statutes of Nevada 1997, at page 3003, is hereby amended to read as follows:

Sec. 13. Chapter 502, Statutes of Nevada 1995, at page ~~1658,~~ **1660**, is hereby amended by adding thereto new sections **to be** designated as sections ~~4 and 5~~ **4.1 and 4.2, immediately following section 4**, to read as follows:

Sec. ~~4.~~ **4.1.** On or before October 1, 1999, the department of motor vehicles and public safety shall determine and publicly declare the number of applications it has received for a license plate pursuant to section 1 of this act.

Sec. ~~5.~~ **4.2.** The amendatory provisions of **sections 1 and 3 of** this act expire by limitation on October 1, 1999, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for a license plate pursuant to section 1 of this act.

Sec. 95. Sections 27 and 29 of chapter 603, Statutes of Nevada 1997, at page 3036, are hereby amended to read respectively as follows:

Sec. 27. NRS 695B.320 is hereby amended to read as follows:

695B.320 Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, **687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430,** and chapters 692C and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.

Sec. 29. NRS 695F.090 is hereby amended to read as follows:

695F.090 Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, ~~[of this Title,]~~ to the extent reasonably applicable:

1. NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.
2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.
3. The requirements of NRS 679B.152.
4. The fees imposed pursuant to NRS 449.465.
5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.
6. The assessment imposed pursuant to subsection 3 of NRS 679B.158.
7. Chapter 683A of NRS.
8. To the extent applicable, the provisions of sections 60 to 88, inclusive, of Assembly Bill No. 521 of this session and chapter 689C of NRS relating to the portability and availability of health insurance.

9. Section 1 of ~~{this act,}~~ *Assembly Bill No. 348 of this session.*

10. NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to “insurer” must be replaced by a reference to “prepaid limited health service organization.”

11. Chapter 692C of NRS, concerning holding companies.

Sec. 96. 1. Section 3 of chapter 604, Statutes of Nevada 1997, at page 3043, is hereby amended to read as follows:

Sec. 3. NRS 704.640 is hereby amended to read as follows:

704.640 Any person who:

1. Operates any public utility to which NRS 704.005 to 704.751, inclusive, ~~{and}~~ section 1 of ~~{this act, applies}~~ *Assembly Bill No. 345 of this session and section 1 of this act, apply* without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.751, inclusive, ~~{and}~~ section 1 of ~~{this act,}~~ *Assembly Bill No. 345 of this session and section 1 of this act,* or by the commission pursuant to NRS 704.005 to 704.751, inclusive, ~~{and}~~ section 1 of ~~{this act,}~~ *Assembly Bill No. 345 of this session and section 1 of this act;*

3. Violates, or procures, aids or abets the violating of, any provision of NRS 704.005 to 704.751, inclusive, ~~{and}~~ section 1 of ~~{this act,}~~ *Assembly Bill No. 345 of this session and section 1 of this act;*

4. Fails to obey any order, decision or regulation of the commission;

5. Procures, aids or abets any person in his failure to obey the order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.751, inclusive, ~~{and}~~ section 1 of ~~{this act,}~~ *Assembly Bill No. 345 of this session and section 1 of this act,*

shall be fined not more than \$500.

2. Chapter 604, Statutes of Nevada 1997, at page 3044, is hereby amended by adding thereto a new section to be designated as section 3.1, immediately following section 3, to read as follows:

Sec. 3.1. Section 80 of chapter 482, Statutes of Nevada 1997, at page 1912, is hereby amended to read as follows:

Sec. 80. NRS 704.640 is hereby amended to read as follows:

704.640 Any person who

:

1. Operates any public utility to which NRS 704.005 to 704.751, inclusive, section 1 of Assembly Bill No. 345 of this session, ~~and~~ section 1 of ~~this act,~~ *Assembly Bill No. 581 of this session and sections 58 to 63, inclusive, of this act*, applies without first obtaining a certificate of public convenience and necessity or in violation of its terms;

2. Fails to make any return or report required by NRS 704.005 to 704.751, inclusive, section 1 of Assembly Bill No. 345 of this session, ~~and~~ section 1 of ~~this act,~~ *Assembly Bill No. 581 of this session and sections 58 to 63, inclusive, of this act*, or by the commission pursuant to NRS 704.005 to 704.751, inclusive, section 1 of Assembly Bill No. 345 of this session, ~~and~~ section 1 of ~~this act,~~ *Assembly Bill No. 581 of this session and sections 58 to 63, inclusive, of this act*;

3. Violates, or procures, aids or abets the violating of, any provision of NRS 704.005 to 704.751, inclusive, section 1 of Assembly Bill No. 345 of this session, ~~and~~ section 1 of ~~this act,~~ *Assembly Bill No. 581 of this session and sections 58 to 63, inclusive, of this act*;

4. Fails to obey any order, decision or regulation of the commission;

5. Procures, aids or abets any person in his failure to obey the order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself out to perform as a public utility in violation of any of the provisions of NRS 704.005 to 704.751, inclusive, section 1 of Assembly Bill No. 345 of this session, ~~and~~ section 1 of ~~this act,~~ *Assembly Bill No. 581 of this session and sections 58 to 63, inclusive, of this act*,

shall be fined not more than \$500.

Sec. 97. Section 8 of chapter 605, Statutes of Nevada 1997, at page 3047, is hereby amended to read as follows:

Sec. 8. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as otherwise provided in subsections 3 and 4, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the alcoholic content of his blood or breath or the presence of a controlled substance when such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the alcoholic content of the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test as set forth in subsection 7 if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, subsection 2 of NRS 488.205, NRS 488.206, section 4 of ~~this act~~ **Assembly Bill No. 243 of this session** or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this state or another jurisdiction in which death or substantial bodily harm to another person resulted from driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance.

5. If the presence of a controlled substance in the blood of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or a controlled substance, the

officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 98. 1. Section 7 of chapter 607, Statutes of Nevada 1997, at page 3055, is hereby amended to read as follows:

Sec. 7. ***1. This section and sections 5.1 and 5.2 of this act become effective at 12:02 a.m. on September 30, 1997.***

2. Sections 2, 4 and 5 of this act become effective at 12:01 a.m. 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 constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the secretary of state, upon consultation with the fiscal analysis division of the legislative counsel bureau. The condensations, explanations and fiscal notes* must be in easily understood language and of reasonable length, and whenever feasible must be completed by ~~{April}~~ *August* 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which 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. 6. ~~{Section}~~ *Sections 2 and* 4 of this act ~~{becomes}~~ *become* effective at 12:01 a.m. on October 1, 1997.

Sec. 100. 1. Section 2 of chapter 618, Statutes of Nevada 1997, at page 3075, is hereby amended to read as follows:

Sec. 2. NRS 232.920 is hereby amended to read as follows:

232.920 The director:

1. Shall:

(a) Organize the department into divisions and other operating units as needed to achieve the purposes of the department;

(b) Upon request, provide the director of the department of administration with a list of organizations and agencies in this state whose primary purpose is the training and employment of handicapped persons; and

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law.

2. Is responsible for the administration, through the divisions of the department, of the provisions of *NRS 458.010 to 458.360, inclusive*, chapters 426, 426A, ~~458,~~ 612 and 615 of NRS, and all other provisions of law relating to the functions of the department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as specifically provided by law.

3. Is responsible for the preparation of a consolidated state plan for the bureau of services to the blind, the bureau of vocational rehabilitation and any other program administered by the rehabilitation division which he considers appropriate to incorporate into the consolidated state plan before submission to the Federal Government. This subsection does not apply if any federal regulation exists which prohibits a consolidated plan.

4. In developing and revising state plans pursuant to subsection 3, shall consider, among other things, the amount of money available from the Federal Government for the programs of the division and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for the programs.

5. May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the department.

2. Chapter 618, Statutes of Nevada 1997, at page 3078, is hereby amended by adding thereto a new section to be designated as section 12.5, immediately following section 12, to read as follows:

Sec. 12.5. Section 2 of chapter 312, Statutes of Nevada 1997, at page 1170, is hereby amended to read as follows:

Sec. 2. NRS 232.920 is hereby amended to read as follows:
232.920 The director:

1. Shall:

(a) Organize the department into divisions and other operating units as needed to achieve the purposes of the department;

(b) Upon request, provide the director of the department of administration with a list of organizations and agencies in this state whose primary purpose is the training and employment of handicapped persons; and

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is

otherwise maintained under the terms and conditions required by law.

2. Is responsible for the administration, through the divisions of the department, of the provisions of NRS 458.010 to 458.360, inclusive, chapters 426, 426A, 612 and 615 of NRS, and all other provisions of law relating to the functions of the department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as specifically provided by law.

3. Is responsible for the preparation of a consolidated state plan for the bureau of services to the blind ~~and~~ *and visually impaired*, the bureau of vocational rehabilitation and any other program administered by the rehabilitation division which he considers appropriate to incorporate into the consolidated state plan before submission to the Federal Government. This subsection does not apply if any federal regulation exists which prohibits a consolidated plan.

4. In developing and revising state plans pursuant to subsection 3, shall consider, among other things, the amount of money available from the Federal Government for the programs of the division and the conditions attached to the acceptance of that money, and the limitations of legislative appropriations for the programs.

5. May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the department.

Sec. 101. Sections 1 and 2 of chapter 621, Statutes of Nevada 1997, at page 3081, are hereby amended to read respectively as follows:

Section 1. NRS 361.755 is hereby amended to read as follows:

361.755 **1.** At least once each quarter and at such intervals as may be required by the board of county commissioners, the county treasurer shall apportion all the money that ~~has come into his hands~~ *he has received* as ex officio tax receiver since the last apportionment into several funds, as provided by law and ~~he shall~~ make out a statement of the apportionment under oath and transmit the statement to the county auditor and to the governing body of each local government entitled to receive an apportionment of the taxes collected. The county auditor shall file his copy of the statement in his office.

2. *A local government that receives an apportionment from the county treasurer may not submit a claim for interest earned in a prior fiscal year on the money apportioned, unless the claim is based solely upon an error in the calculation of the money apportioned in that prior fiscal year.*

Sec. 2. This act becomes effective *at 12:01 a.m.* on July 1, 1997.

Sec. 102. Sections 1 and 2 of chapter 623, Statutes of Nevada 1997, at pages 3082 and 3083, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 417.220 is hereby amended to read as follows:

417.220 1. Money received by the executive director or the deputy executive director from:

- (a) Fees charged pursuant to NRS 417.210;
- (b) Allowances for burial from the Department of Veterans Affairs or the Social Security Administration;
- (c) Appropriations made by the legislature for veterans' cemeteries; and

(d) Except as otherwise provided in *subsection 5*, NRS 417.145 and section 1 of ~~{this act,}~~ *Senate Bill No. 327 of this session*, gifts of money or proceeds derived from the sale of gifts of personal property ~~{that}~~ he is authorized to accept, must be deposited with the state treasurer for credit to the account for a veterans' cemetery in northern Nevada or the account for a veterans' cemetery in southern Nevada, whichever is appropriate, in the state general fund.

2. The interest and income earned on the money in the accounts, after deducting any applicable charges, must be credited to the accounts.

3. Except as otherwise provided in subsection 5, the money in each account ~~{must}~~ *may* only be used for the operation and maintenance of the cemetery for which the account was created.

4. Except as otherwise provided in subsection 5, gifts of personal property which the executive director or the deputy executive director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

5. The executive director or the deputy executive director shall use gifts of money or personal property that he is authorized to accept ~~{for the purpose specified by the donor of such a gift.}~~ *and for which the donor has restricted to one or more uses at a veterans' cemetery, only in the manner designated by the donor. Gifts of money that the executive director or the deputy executive director is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery must be accounted for separately in the state general fund.*

6. Any money remaining in the accounts at the end of each fiscal year does not revert to the state general fund, but must be carried over into the next fiscal year.

Sec. 2. This act becomes effective *at 12:01 a.m.* on July 1, 1997.

Sec. 103. Chapter 628, Statutes of Nevada 1997, at page 3104, is hereby amended by adding thereto a new section to be designated as section 14.1, immediately following section 14, to read as follows:

Sec. 14.1. Sections 1 to 10, inclusive, of chapter 634, Statutes of Nevada 1997, at page 3134, are hereby repealed.

Sec. 104. 1. Sections 7, 12, 24 and 27 of chapter 631, Statutes of Nevada 1997, at pages 3112, 3117, 3126 and 3127, respectively, are hereby amended to read respectively as follows:

Sec. 7. **1. *An association that is not a master association and levies an annual assessment against each unit in the common-interest community of \$500 or more shall:***

(a) If the association is required to pay the fee imposed by NRS 78.150 or 82.193, pay to the secretary of state at the time it is required to pay the fee imposed by those sections a fee established by regulation of the administrator of the real estate division of the department of business and industry for every unit in the association.

(b) If the association is organized as a trust or partnership, pay to the administrator of the real estate division of the department of business and industry a fee established by regulation of the administrator for each unit in the association. The fee must be paid on or before January 1 of each year.

2. *The fees required to be paid pursuant to this section must be:*

(a) Deposited with the state treasurer for credit to the fund for the ombudsman for owners in common-interest communities created pursuant to section 9 of this act.

(b) Established on the basis of the actual cost of administering the office of the ombudsman for owners in common-interest communities and not on a basis which includes any subsidy for the office.

Sec. 12. NRS 116.1204 is hereby amended to read as follows:

116.1204 Except as otherwise provided in NRS 116.1205, ***the provisions of sections 5, 5.5, 6, 10 and 11 of this act and*** NRS 116.1105, 116.1106, 116.1107, 116.2103, 116.2104 and 116.2121, paragraphs (a) to (f), inclusive, and (k) to (r), inclusive, of subsection 1 of NRS 116.3102, NRS ***116.3103, 116.31036, 116.3106, 116.3108 to*** 116.3111, ~~116.3116~~ ***inclusive, 116.3115*** to 116.31168, inclusive, 116.3118, 116.4109 and 116.4117, and NRS 116.11031 to 116.110393, inclusive, to the extent necessary in construing any of those sections, apply to ~~all common-interest communities~~ ***a common-interest community*** created in this state before January 1, 1992 ~~[- but those sections apply only with respect to events and circumstances occurring on or after January 1, 1992, and do not invalidate existing provisions of the declaration, bylaws, or plats or plans of those common-interest communities.]~~ ***, if the***

common-interest community levies an annual assessment against each unit in the common-interest community of \$500 or more on or after July 1, 1998.

Sec. 24. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized under the laws of this state shall, on or before the first day of the second month after the filing of its articles of incorporation with the secretary of state, file with the secretary of state a list, on a form furnished by him, containing:

- (a) The name of the corporation;
- (b) The file number of the corporation, if known;
- (c) The names and titles of all of its required officers and the names of all of its directors;
- (d) The mailing or street address, either residence or business, of each officer and director listed, following the name of the officer or director; and
- (e) The signature of an officer of the corporation certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year, file with the secretary of state, on a form furnished by him, an amended list containing all of the information required in subsection 1. If the corporation has had no changes in its required officers and directors since its previous list was filed, no amended list need be filed if an officer of the corporation certifies to the secretary of state as a true and accurate statement that no changes in the required officers or directors has occurred.

3. Upon filing a list of officers and directors, or certifying that no changes have occurred, the corporation shall pay to the secretary of state a fee of \$85.

4. The secretary of state shall, 60 days before the last day for filing the annual list required by subsection 2, cause to be mailed to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 3 and a reminder to file a list of officers and directors or a certification of no change. Failure of any corporation to receive a notice or form does not excuse it from the penalty imposed by law.

5. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 3 ***or 7*** is not paid, the secretary of state may return the list for correction or payment.

6. An annual list for a corporation not in default which is received by the secretary of state more than 60 days before its due date shall be deemed an amended list for the previous year.

7. If the corporation is an association as defined in NRS 116.110315, the secretary of state shall not accept the filing

required by this section unless it is accompanied by the fee required to be paid pursuant to section 7 of this act.

Sec. 27. 1. This section and sections 1 to 5, inclusive, 6, 13, 14, 15.5, 17, 18 and 20 of this act become effective upon passage and approval.

2. Section 23 of this act becomes effective on October 1, 1997.

3. Sections 7, 9, 24, 25 and 26 of this act become effective on January 1, 1998, for the purpose of adopting regulations to establish and collect fees for the office of the ombudsman for owners in common-interest communities, and on July 1, 1998, for all other purposes.

4. Sections 5.5, 8, 11, 12, 15, 16, 19, 20.5, 21, ~~and~~ 22 *and 26.1* of this act become effective on July 1, 1998.

5. Section 10 of this act becomes effective on July 1, 1998, only if Senate Bill No. 248 of this session becomes effective on or before that date.

2. Chapter 631, Statutes of Nevada 1997, at page 3126, is hereby amended by adding thereto a new section to be designated as section 26.1, immediately following section 26, to read as follows:

Sec. 26.1. The amendatory provisions of section 12 of this act apply only with respect to events and circumstances occurring on or after July 1, 1998.

Sec. 105. Section 1 of chapter 633, Statutes of Nevada 1997, at page 3129, is hereby amended to read as follows:

Section 1. NRS 202.450 is hereby amended to read as follows:

202.450 1. A public nuisance is a crime against the order and economy of the state.

2. Every place:

(a) Wherein any gambling, bookmaking or pool selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket shop, or any agency therefor is conducted, or any article, apparatus or device useful therefor is kept;

(b) Wherein any fighting between animals or birds is conducted;

(c) Wherein any dog races are conducted ~~{without a license as provided by law;}~~ *as a gaming activity;*

(d) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution;

(e) Wherein a controlled substance, immediate precursor as defined in NRS 453.086 or controlled substance analog as defined in NRS 453.043 is unlawfully sold, served, stored, kept, manufactured, used or given away; or

(f) Where vagrants resort,
is a public nuisance.

3. Every act unlawfully done and every omission to perform a duty, which act or omission:

- (a) Annoys, injures or endangers the safety, health, comfort or repose of any considerable number of persons;
 - (b) Offends public decency;
 - (c) Unlawfully interferes with, befouls, obstructs or tends to obstruct, or renders dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace or basin, or a public park, square, street, alley, bridge, causeway or highway; or
 - (d) In any way renders a considerable number of persons insecure in life or the use of property,
- is a public nuisance.

4. Agricultural activity conducted on farmland consistent with good agricultural practice and established before surrounding nonagricultural activities is not a public nuisance unless it has a substantial adverse effect on the public health or safety. It is presumed that an agricultural activity which does not violate a federal, state or local law, ordinance or regulation constitutes good agricultural practice.

5. A shooting range is not a public nuisance with respect to any noise attributable to the shooting range if the shooting range is in compliance with the provisions of all applicable statutes, ordinances and regulations concerning noise:

- (a) As those provisions existed on October 1, 1997, for a shooting range that begins operation on or before October 1, 1997; or
- (b) As those provisions exist on the date that the shooting range begins operation, for a shooting range in operation after October 1, 1997.

A shooting range is not subject to any state or local law related to the control of noise that is adopted or amended after the date set forth in paragraph (a) or (b), as applicable, and does not constitute a nuisance for failure to comply with any such law.

6. As used in this section, "shooting range" has the meaning ascribed to it in NRS 40.140.

Sec. 106. 1. Sections 49, 50, 55 and 64 of chapter 635, Statutes of Nevada 1997, at pages 3152, 3154 and 3158, are hereby amended to read respectively as follows:

Sec. 49. NRS 233B.065 is hereby amended to read as follows:

233B.065 1. The legislative counsel shall prescribe the numbering, page size, style and typography of the Nevada Administrative Code. For convenience of reproduction in the ~~code,~~ *Nevada Administrative Code*, he may prescribe the same matters in original agency regulations.

2. The legislative counsel shall prepare or cause the superintendent of the state printing division of the department of administration to prepare such sets of the Nevada Administrative

Code and of supplementary pages as are required from time to time. A set must be provided to and kept respectively:

- (a) By the secretary of state as the master copy;
- (b) By the state ~~librarian~~ **library and archives administrator** for public use;
- (c) By the attorney general for his use and that of the executive department; and
- (d) By the legislative counsel for his use and that of the legislature.

The legislative commission may direct the preparation of additional sets or pages, or both, and specify the places where those sets or parts of sets are to be kept and the uses to be made of them.

3. The legislative counsel shall, without charge, provide:

- (a) A complete set of the Nevada Administrative Code, upon request, to each person who is on July 1, 1985, or who becomes after that date a member of the legislature; and
- (b) To each legislator who has so acquired the ~~code,~~ **Nevada Administrative Code**, the replacement or supplementary pages which are issued during his term of office.

4. Each agency shall reimburse the legislative counsel bureau and the state printing division of the department of administration for their respective costs in preparing and keeping current that 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. 50. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the director of the legislative counsel bureau files with the secretary of state the original of the final draft or revision of a regulation, except as otherwise provided in NRS 233B.0665 or where a later date is specified in the regulation.

2. A temporary or emergency regulation becomes effective when the agency files with the secretary of state the original of the final draft or revision of a regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary or emergency regulation with the legislative counsel bureau, together with the informational statement prepared pursuant to NRS 233B.066.

3. The secretary of state shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

4. The secretary of state shall file, with the original of each agency's rules of practice, the current statement of the agency

concerning the date and results of its most recent review of those rules.

5. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the secretary of state indicating that it has been filed, including material adopted by reference which is not already filed with the state ~~librarian;~~ **library and archives administrator**, to the state ~~librarian;~~ **library and archives administrator** for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for licensing or for the renewal of a license issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the secretary of state, to the legislative committee on health care within 10 days after the regulation is filed with the secretary of state.

6. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

7. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 55. NRS 239.073 is hereby amended to read as follows:

239.073 1. The committee to approve schedules for the retention and disposition of official state records, consisting of six members, is hereby created.

2. The committee consists of:

- (a) The secretary of state;
 - (b) The attorney general;
 - (c) The director of the department of administration;
 - (d) The state ~~librarian;~~ **library and archives administrator**;
 - (e) The director of the department of information technology;
- and

(f) One member who is a representative of the general public appointed by the governor.

All members of the committee, except the representative of the general public, are ex officio members of the committee.

3. The secretary of state or a person designated by him shall serve as chairman of the committee. The state ~~librarian;~~ **library and archives administrator** shall serve as secretary of the committee and prepare and maintain the records of the committee.

4. The committee shall meet at least quarterly and may meet upon the call of the chairman.

5. An ex officio member of the committee may designate a person to represent him at any meeting of the committee. The person designated may exercise all the duties, rights and privileges of the member he represents.

6. The committee may adopt rules and regulations for its management.

Sec. 64. 1. This section and section 63 of this act become effective upon passage and approval.

2. Sections 1 to ~~62.1~~ 49, inclusive, 51 to 54, inclusive, 56 to 62.5, inclusive, and 65 of this act become effective on July 1, 1997.

3. *Sections 50 and 55 of this act become effective at 12:01 a.m. on July 1, 1997.*

2. Chapter 635, Statutes of Nevada 1997, at page 3158, is hereby amended by adding thereto new sections to be designated as sections 62.3 and 62.5, immediately following section 62, to read respectively as follows:

Sec. 62.3. Section 5 of chapter 97, Statutes of Nevada 1997, at page 186, is hereby amended to read as follows:

Sec. 5. NRS 233B.065 is hereby amended to read as follows:

233B.065 1. The legislative counsel shall prescribe the numbering, page size, style and typography of the Nevada Administrative Code. For convenience of reproduction in the Nevada Administrative Code, he may prescribe the same matters in original agency regulations.

2. *The legislative counsel shall cause to be included in the Nevada Administrative Code the date on which an agency last completed a review of its regulations pursuant to paragraph (e) of subsection 1 of NRS 233B.050.*

3. The legislative counsel shall prepare or cause the superintendent of the state printing division of the department of administration to prepare such sets of the Nevada Administrative Code and of supplementary pages as are required from time to time. A set must be provided to and kept respectively:

(a) By the secretary of state as the master copy;

(b) By the state library and archives administrator for public use;

(c) By the attorney general for his use and that of the executive department; and

(d) By the legislative counsel for his use and that of the legislature.

The legislative commission may direct the preparation of additional sets or pages, or both, and specify the places where those sets or parts of sets are to be kept and the uses to be made of them.

~~[3.]~~ 4. The legislative counsel shall, without charge, provide:

(a) A complete set of the Nevada Administrative Code, upon request, to each person who is on July 1, 1985, or who becomes after that date a member of the legislature; and

(b) To each legislator who has so acquired the Nevada Administrative Code, the replacement or supplementary pages which are issued during his term of office.

~~[4.]~~ 5. Each agency shall reimburse the legislative counsel bureau and the state printing division of the department of administration for their respective costs in preparing and keeping current that 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. 62.5. Section 13 of chapter 397, Statutes of Nevada 1997, at page 1391, is hereby amended to read as follows:

Sec. 13. NRS 233B.065 is hereby amended to read as follows:

233B.065 1. The legislative counsel shall prescribe the numbering, page size, style and typography of the Nevada Administrative Code. For convenience of reproduction in the Nevada Administrative Code, he may prescribe the same matters in original agency regulations.

2. The legislative counsel shall cause to be included in the Nevada Administrative Code the ~~[date]~~ :

(a) *Date* on which an agency last completed a review of its regulations pursuant to paragraph (e) of subsection 1 of NRS 233B.050 ~~[H]~~ ; and

(b) *Citation of authority pursuant to which the agency adopted each section of a permanent regulation.*

3. The legislative counsel shall prepare or cause the superintendent of the state printing division of the department of administration to prepare such sets of the Nevada Administrative Code and of supplementary pages as are required from time to time. A set must be provided to and kept respectively:

(a) By the secretary of state as the master copy;

(b) By the state library and archives administrator for public use;

(c) By the attorney general for his use and that of the executive department; and

(d) By the legislative counsel for his use and that of the legislature.

The legislative commission may direct the preparation of additional sets or pages, or both, and specify the places where

those sets or parts of sets are to be kept and the uses to be made of them.

4. The legislative counsel shall, without charge, provide:

(a) A complete set of the Nevada Administrative Code, upon request, to each person who is on July 1, 1985, or who becomes after that date a member of the legislature; and

(b) To each legislator who has so acquired the Nevada Administrative Code, the replacement or supplementary pages which are issued during his term of office.

5. Each agency shall reimburse the legislative counsel bureau and the state printing division of the department of administration for their respective costs in preparing and keeping current that 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~~ 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 custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, *including*, but not limited to, the Federal Bureau of Investigation, the California identification and investigation bureau, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

~~4.4~~ 5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

~~5.4~~ 6. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in section 34 of Senate Bill No. 325 of this session.

(b) "Sexual offense" has the meaning ascribed to it in section 48 of Senate Bill No. 325 of this session.

2. Chapter 636, Statutes of Nevada 1997, at page 3161, is hereby amended by adding thereto a new section to be designated as section 3.5, immediately following section 3, to read as follows:

Sec. 3.5. Section 4 of chapter 476, Statutes of Nevada 1997, at page 1803, is hereby amended to read as follows:

Sec. 4. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in 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 must be accompanied by a current, certified record of the petitioner's criminal history received from the central repository for Nevada records of criminal history.

2. The court shall notify the district attorney of the county in which the conviction was obtained, and the district attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

3. 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 custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, but not limited to, the Federal Bureau of Investigation, the California identification and investigation bureau, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

4. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

5. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in section 34 of ~~this act.~~ *Senate Bill No. 325 of this session.*

(b) "Sexual offense" has the meaning ascribed to it in section 48 of ~~this act.~~ *Senate Bill No. 325 of this session.*

3. Chapter 636, Statutes of Nevada 1997, at page 3161, is hereby amended by adding thereto a new section to be designated as section 5, immediately following section 4, to read as follows:

Sec. 5. 1. This section and section 3.5 of this act become effective on September 30, 1997.

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

Sec. 108. Section 9 of chapter 640, Statutes of Nevada 1997, at page 3173, is hereby amended to read as follows:

Sec. 9. NRS 439.360 is hereby amended to read as follows:
439.360 The county board of health may:

1. Abate nuisances in accordance with law.

2. Establish and maintain an isolation hospital or quarantine station when necessary.

3. Restrain, quarantine and disinfect any person sick with or exposed to any contagious or infectious disease that is dangerous to the public health.

4. Appoint quarantine officers when necessary to enforce **a** quarantine, ~~and~~ shall provide whatever medicines, disinfectants and provisions which may be required, and shall arrange for the payment of all debts or charges so incurred from any funds available, but each patient shall, if he is able, pay for his food, medicine, clothes and medical attendance.

5. Subject to the prior review and approval of the board of county commissioners ~~and~~ **and except as otherwise provided in section 1 of this act**, adopt a schedule of reasonable fees to be collected for issuing or renewing any health permit or license required to be obtained from the board pursuant to a law of this state or an ordinance adopted by any political subdivision of this state. Such fees must be for the sole purpose of defraying the costs and expenses of the ~~licensing and permit~~ procedures **for issuing licenses and permits**, and investigations related thereto, and not for **the purposes of** general revenue. ~~purposes.~~

Sec. 109. 1. Sections 5 and 14 of chapter 641, Statutes of Nevada 1997, at pages 3175 and 3184, respectively, are hereby amended to read respectively as follows:

Sec. 5. ***Except as otherwise provided in section 6 of this act, the director may make the following deductions, in the following order of priority, from any money deposited in the individual account of an offender from any source other than his wages:***

1. An amount the director deems reasonable for deposit with the state treasurer for credit to the fund for the compensation of victims of crime created pursuant to NRS 217.260.

2. An amount the director considers reasonable to meet an existing obligation of the offender for the support of his family.

3. An amount determined by the director, with the approval of the board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the department.

4. A deduction pursuant to NRS 209.246.

5. An amount determined by the director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his release or, if the offender dies before his release, to defray expenses related to arrangements for his funeral.

6. An amount the director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his crime.

7. An amount the director considers reasonable to pay the balance of an administrative assessment included in the judgment

entered against the offender for each crime for which he is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which he was previously convicted. An amount deducted from a source other than the wages earned by the offender during his incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have 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.

(b) If the offender has 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 an administrative assessment is owing, until the balance owing has been paid.

8. An amount the director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which he is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which he was previously convicted. An amount deducted from any source other than the wages earned by the offender during his incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have 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.

(b) If the offender has 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 fine or administrative assessment is owing, until the balance owing has been paid.

9. An amount the director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker testing and included in the judgment entered against the offender pursuant to section 83.7 of Senate Bill No. 325 of this session.

The director shall determine the priority of any other deduction authorized by law from any source other than the wages earned by the offender during his incarceration.

Sec. 14. NRS 209.463 is hereby amended to read as follows:
209.463 ~~{1.}~~ Except as otherwise provided in ~~{subsection 3,}~~
section 6 of this act, the director may make the following deductions, in the following order of priority, from the wages earned by an offender from any source during his incarceration:

~~{(a)}~~ 1. If the ~~{offender's}~~ hourly wage *of the offender* is equal to or greater 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.

(b) An amount the director considers reasonable to meet an existing obligation of the offender for the support of his family.

~~{(2)}~~ (c) 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)}~~ (d) An amount determined by the director for deposit in the ~~{offender's}~~ individual account *of the offender* in the prisoners' personal property fund.

~~{(4)}~~ (e) An amount determined by the director, with the approval of the board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the department.

~~{(5)} An amount the director considers reasonable to meet any existing obligation of the offender for the support of his family.~~

~~—(6) Any~~

(f) A deduction pursuant to NRS 209.246.

~~{(7)}~~ (g) An amount determined by the director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his release, or if the offender dies before his release, to defray ~~{any}~~ expenses related to ~~{any}~~ arrangements for his funeral.

~~{(8)}~~ (h) An amount the director considers reasonable to meet ~~{any}~~ *an* existing obligation of the offender for restitution to any victim of his crime.

~~{(9)}~~ (i) An amount the director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker testing and included in the judgment entered against the offender pursuant to section 83.7 of ~~{this act.~~

~~—(10)} Senate Bill No. 325 of this session.~~

(j) An amount the director considers reasonable to pay the balance of ~~{the administrative assessments}~~ *an administrative assessment* included in the judgment entered against the offender for each crime for which he is incarcerated and the balance of ~~{any}~~ *an* unpaid administrative ~~{assessments}~~ *assessment* 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 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.

~~{(4)}~~ (d) An amount determined by the director, with the approval of the board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the department.

~~[(5) Any]~~

(e) A deduction pursuant to NRS 209.246.

~~[(6)] (f)~~ An amount the director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker testing and included in the judgment entered against the offender pursuant to section 83.7 of ~~this act.~~

~~—(7)] Senate Bill No. 325 of this session.~~

(g) An amount determined by the director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his release, or if the offender dies before his release, to defray ~~any~~ expenses related to ~~any~~ arrangements for his funeral.

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.

~~[2.— Except as otherwise provided in subsection 3, the director may make the following deductions, in the following priority, from any money deposited in an offender's account from any source other than his wages:~~

~~—(a) Any deduction pursuant to NRS 209.246.~~

~~—(b) An amount determined by the director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his release or, if the offender dies before his release, to defray any expenses related to any arrangements for his funeral.~~

~~—(c) An amount the director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker testing and included in the judgment entered against the offender pursuant to section 83.7 of this act.~~

~~The director shall determine the priority of any other deduction authorized by law from any source other than the wages earned by the offender during his incarceration.~~

~~—3.— The director shall not make any deduction from the offender's individual account in the prisoners' personal property fund if the balance in the account is below the minimum balance designated by the director pursuant to this subsection. The director shall designate the minimum balance of an offender's account required before such other deductions or withdrawals from the account may be made by the director or the offender.~~

~~—4.— Upon the release of an offender, any money from any source remaining in an account of the offender may be used to reimburse the department for any expenses related to his release, including, but not limited to, any expenses incurred by the department pursuant to NRS 209.511 or for transportation of the offender.~~

~~—5.—The director may reduce or eliminate any deduction authorized pursuant to subsection 1 from the wages of any offender to the extent necessary to comply with any restrictions imposed by federal law on deductions from wages of that offender.]~~

2. Chapter 641, Statutes of Nevada 1997, at page 3191, is hereby amended by adding thereto a new section to be designated as section 21.5, immediately following section 21, to read as follows:

Sec. 21.5. Sections 14 and 17 of chapter 552, Statutes of Nevada 1997, at pages 2655 and 2657, respectively, are hereby amended to read respectively as follows:

Sec. 14. NRS 209.463 is hereby amended to read as follows:

209.463 Except as otherwise provided in section 6 of ~~this act,~~ *Senate Bill No. 328 of this session*, the director may make the following deductions, in the following order of priority, from the wages earned by an offender from any source during his incarceration:

1. If the hourly wage of the offender is equal to or greater than the federal minimum wage:

(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.

(b) An amount the director considers reasonable to meet an existing obligation of the offender for the support of his family.

(c) 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.

(d) An amount determined by the director for deposit in the individual account of the offender in the prisoners' personal property fund.

(e) An amount determined by the director, with the approval of the board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the department. *An amount deducted pursuant to this paragraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to sections 2 to 13, inclusive, of this act in a therapeutic community or a program of aftercare, or both.*

(f) A deduction pursuant to NRS 209.246.

(g) An amount determined by the director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his release, or if the offender dies before his release, to defray expenses related to arrangements for his funeral.

(h) An amount the director considers reasonable to meet an existing obligation of the offender for restitution to any victim of his crime.

(i) An amount the director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker testing and included in the judgment entered against the offender pursuant to section 83.7 of Senate Bill No. 325 of this session.

(j) An amount the director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which he is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which he was previously convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

(1) If the offender does not have 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.

(2) If the offender has 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 an administrative assessment is owing, until the balance owing has been paid.

(k) An amount the director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which he is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which he was previously convicted. An amount deducted from the wages of the offender pursuant to this paragraph must be submitted:

(1) If the offender does not have 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.

(2) If the offender has 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 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.

2. If the hourly wage of the offender is less than the federal minimum wage:

(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.

(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.

(c) An amount determined by the director for deposit in the individual account of the offender in the prisoners' personal property fund.

(d) An amount determined by the director, with the approval of the board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the department. *An amount deducted pursuant to this paragraph may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to sections 2 to 13, inclusive, of this act in a therapeutic community or a program of aftercare, or both.*

(e) A deduction pursuant to NRS 209.246.

(f) An amount the director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker testing and included in the judgment entered against the offender pursuant to section 83.7 of Senate Bill No. 325 of this session.

(g) An amount determined by the director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his release, or if the offender dies before his release, to defray expenses related to arrangements for his funeral.

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.

Sec. 17. Section 5 of Senate Bill No. 328 of this session is hereby amended to read as follows:

Sec. 5. Except as otherwise provided in section 6 of this act, the director may make the following deductions, in the following order of priority, from any money deposited in the individual account of an offender from any source other than his wages:

1. An amount the director deems reasonable for deposit with the state treasurer for credit to the fund for the compensation of victims of crime created pursuant to NRS 217.260.

2. An amount the director considers reasonable to meet an existing obligation of the offender for the support of his family.

3. An amount determined by the director, with the approval of the board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the department. *An amount deducted pursuant to this subsection may include, but is not limited to, an amount to offset the cost of participation by the offender pursuant to sections 2 to 13, inclusive, of Senate Bill No. 432 of this session in a therapeutic community or a program of aftercare, or both.*

4. A deduction pursuant to NRS 209.246.

5. An amount determined by the director for deposit in a savings account for the offender, in which interest on the money deposited does not accrue, to be used for the payment of the expenses of the offender related to his release or, if the offender dies before his release, to defray expenses related to arrangements for his funeral.

6. An amount the director considers reasonable to meet an existing obligation of the offender for restitution to a victim of his crime.

7. An amount the director considers reasonable to pay the balance of an administrative assessment included in the judgment entered against the offender for each crime for which he is incarcerated and the balance of an unpaid administrative assessment included in a judgment entered against the offender for a crime committed in this state for which he was previously convicted. An amount deducted from a source other than the wages earned by the offender during his incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have 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.

(b) If the offender has 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 an administrative assessment is owing, until the balance owing has been paid.

8. An amount the director considers reasonable to pay the balance of a fine included in the judgment entered against the offender for each crime for which he is incarcerated and the balance of an unpaid fine included in a judgment entered against the offender for a crime committed in this state for which he was previously convicted. An amount deducted from any source other than the wages earned by the offender during his incarceration, pursuant to this subsection, must be submitted:

(a) If the offender does not have 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.

(b) If the offender has 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 fine or administrative assessment is owing, until the balance owing has been paid.

9. An amount the director considers reasonable to pay the balance of any fee imposed upon the offender for genetic marker testing and included in the judgment entered against the offender pursuant to section 83.7 of Senate Bill No. 325 of this session.

The director shall determine the priority of any other deduction authorized by law from any source other than the wages earned by the offender during his incarceration.

Sec. 110. 1. Sections 18 and 21 of chapter 645, Statutes of Nevada 1997, at page 3225, are hereby amended to read respectively as follows:

Sec. 18. 1. NRS 616B.200 is hereby repealed.

2. Section 20 of Senate Bill No. 133 of this session is hereby repealed.

3. ~~[Sections 55 and 104]~~ **Section 55** of chapter 580, Statutes of Nevada 1995, at ~~[pages 2012 and 2032, respectively,]~~ **page 2012, and section 6 of chapter 406, Statutes of Nevada 1997, at page 1416,** are hereby repealed.

Sec. 21. 1. This section and sections **17.1 and 17.2 of this act become effective on June 30, 1997.**

2. **Sections** 1, 3 to 12, inclusive, 14, 15, 17, 19 and 20 of this act, and subsections 2 and 3 of section 18 of this act, become effective on July 1, 1997.

~~[2.]~~ 3. Section 13 of this act becomes effective on January 1, 1998.

~~[3.]~~ 4. Sections 2 and 16 of this act, and subsection 1 of section 18 of this act, become effective on July 1, 1999.

2. Chapter 645, Statutes of Nevada 1997, at page 3225, is hereby amended by adding thereto new sections to be designated as sections 17.1 and 17.2, immediately following section 17, to read respectively as follows:

Sec. 17.1. Section 7 of chapter 406, Statutes of Nevada 1997, at page 1416, is hereby amended to read as follows:

Sec. 7. 1. This section and sections 1, 2 and 3 of this act become effective on July 1, 1997.

2. Sections 4 and 5 of this act become effective at 12:01 a.m. on July 1, 1997.

~~[3.—Section 6 of this act becomes effective at 12:01 a.m. on July 1, 1999.]~~

Sec. 17.2. Sections 50 and 81 of chapter 410, Statutes of Nevada 1997, at pages 1442 and 1457, respectively, are hereby amended to read respectively as follows:

Sec. 50. NRS 616D.200 is hereby amended to read as follows:

616D.200 1. If the administrator finds that an employer within the provisions of NRS 616B.633 has failed to provide and secure compensation as required by the terms of chapters 616A to 616D, inclusive, of NRS or that the employer has provided and secured that compensation but has failed to maintain it, he shall make a determination thereon and may charge the employer an amount equal to the sum of:

(a) The premiums that would otherwise have been owed to the system pursuant to the terms of chapters 616A to 616D, inclusive, of NRS for the period that the employer was doing business in this state without providing, securing or maintaining that compensation, but not to exceed 6 years;

(b) The actual costs incurred by the system in reinstating the policy, but not to exceed 10 percent of the premiums owed by the employer; and

(c) Interest at a rate determined pursuant to NRS 17.130 computed from the time that the premiums should have been 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
(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,
assign the offender to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the director shall notify the division of parole and probation. If any victim of a crime committed by the offender has, pursuant to subsection 3 of NRS 213.130, requested to be notified of an application for parole and has provided a current address, the division of parole and probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the division of parole and probation. If a current address has not been provided as required by subsection 3 of NRS 213.130, the division of parole and probation must not be held responsible if such notification is not received by the victim. *All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the division of parole and probation pursuant to this subsection is confidential.*

3. The director, after consulting with the division of parole and probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this state or any offense in another state that would be a felony if committed in this state, not including a violation of NRS 484.3792 or 484.3795;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the director,
is not eligible for assignment to the custody of the division of parole and probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department,
except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department.

6. An offender does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371

to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

2. Chapter 654, Statutes of Nevada 1997, at page 3246, is hereby amended by adding thereto a new section to be designated as section 13.5, immediately following section 13, to read as follows:

Sec. 13.5. Section 1 of chapter 508, Statutes of Nevada 1997, at page 2410, is hereby amended to read as follows:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 6, the director may assign an offender to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement pursuant to NRS 213.380, for not longer than the remainder of his sentence, if:

(a) The director has reason to believe that the offender is:

(1) Physically incapacitated to such a degree that he does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians licensed pursuant to chapter 630 of NRS, one of whom is not employed by the department, verify, in writing, that the offender is:

(1) Physically incapacitated; or

(2) In ill health and expected to die within 12 months.

2. If the director intends to assign an offender to the custody of the division of parole and probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the department, the director shall notify:

(a) If the offender will reside within this state after he is released from the custody of the department, the board of county commissioners of the county in which the offender will reside; and

(b) The division of parole and probation.

3. If any victim of a crime committed by the offender has, pursuant to subsection 3 of NRS 213.130, requested to be notified of an application for parole and has provided a current address, the division of parole and probation shall notify the victim that:

(a) The director intends to assign the offender to the custody of the division of parole and probation pursuant to this section; and

(b) The victim may submit documents to the division of parole and probation regarding such an assignment.

If a current address has not been provided by a victim as required by subsection 3 of NRS 213.130, the division of parole and probation must not be held responsible if notification is not received by the victim. *All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the division of parole and probation pursuant to this subsection is confidential.*

4. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department, except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department.

6. The director may not assign an offender to the custody of the division of parole and probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 112. Section 13 of chapter 655, Statutes of Nevada 1997, at page 3252, is hereby amended to read as follows:

Sec. 13. Chapter 378 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The state librarian shall establish a program to provide grants of money to the public libraries of this state for the purchase or acquisition of books, library materials and computer data bases. The money must be provided by legislative appropriation, accounted for separately and administered by the state librarian.

2. The state librarian shall, within the limits of legislative appropriation, provide such grants based on the following:

(a) If the requesting library has a budget for materials which is \$10,000 or less, the requesting library is eligible to receive a base grant of \$1,000, plus a matching grant in an amount that is not more than 75 percent of its budget for materials.

(b) If the requesting library has a budget for materials which is more than \$10,000 but less than \$75,000, the requesting library is eligible to receive a base grant of \$5,000, plus a matching grant in an amount that is not more than 50 percent of its budget for materials.

(c) If the requesting library has a budget for materials which is \$75,000 or more but less than \$150,000, the requesting library is eligible to receive a base grant of \$10,000, plus a matching grant in an amount that is not more than 33 1/3 percent of its budget for materials.

(d) If the requesting library has a budget for materials which is \$150,000 or more but less than \$500,000, the requesting library is eligible to receive a base grant of \$15,000, plus a matching grant in an amount that is not more than 25 percent of its budget for materials.

(e) If the requesting library has a budget for materials which is \$500,000 or more, the requesting library is eligible to receive a base grant of \$25,000, plus a matching grant in the first year it receives a grant pursuant to this paragraph in an amount that is not more than 10 percent of its budget for materials. The amount of the matching grant provided in any year may be increased by 10 percent in each succeeding year, except that in no event may the matching grant provided in any year exceed 25 percent of the library's budget for materials in that year.

3. The state librarian shall adopt such regulations as are necessary to:

(a) Establish a procedure pursuant to which a public library may apply to receive a grant pursuant to this section;

(b) Determine the eligibility of a public library to receive such a grant; and

(c) Determine the exact amount of a grant to be awarded to a public library.

4. Money granted pursuant to this section must not supplant or cause to be reduced any other source of funding for a public library and must be used exclusively by the public library to purchase or acquire books, library materials and computer data bases.

5. For the purposes of this section, "public library" does not include a library operated within the University and Community College System of Nevada.

Sec. 113. Sections 32 and 38 of chapter 660, Statutes of Nevada 1997, at pages 3299 and 3304, respectively, are hereby amended to read respectively as follows:

Sec. 32. NRS 482.181 is hereby amended to read as follows:

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

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

3. The distribution of the basic privilege tax within a county must be made to local governments, ~~[as defined in NRS 354.474, except redevelopment agencies,]~~ *special districts and enterprise districts pursuant to the provisions of sections 10 and 11 of this act. The distribution of the basic privilege tax must be made to the county school district within the county before the distribution of the basic privilege tax pursuant to the provisions of sections 10 and 11 of this act and* in the same ratio as all property taxes were levied in the county in the previous fiscal year, but the State of Nevada is not entitled to share in that distribution. ~~[and at least 5 percent of the basic privilege tax disbursed to a county must be deposited for credit to the county's general fund. The 5 percent must be calculated in the same manner as the commission calculated for the department of motor vehicles and public safety.]~~ For the purpose of ~~[this subsection,]~~ *calculating the amount of basic privilege tax to be distributed to the county school district*, the taxes levied by each local government, *special district and enterprise district* are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year

beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

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

5. ~~{Local governments, other than incorporated cities, are entitled to receive no distribution of basic privilege tax if the distribution to the local government is less than \$100. Any undistributed money accrues to the county general fund of the county in which the local government is located.~~

~~—6.} The department shall make distributions of basic privilege tax directly to {counties,} county school districts . {and incorporated cities. Distributions for other local governments within a county must be paid to the counties for distribution to the other local governments.}~~

6. *As used in this section:*

(a) *"Enterprise district" has the meaning ascribed to it in section 4 of this act.*

(b) *"Local government" has the meaning ascribed to it in section 6 of this act.*

(c) *"Special district" has the meaning ascribed to it in section 7 of this act.*

Sec. 38. 1. This section and sections 1 to 7, inclusive, 12, 12.5, 13 and 37 of this act become effective upon passage and approval.

2. Sections 8 to 11, inclusive, and 14 to ~~{36,} 35~~, inclusive, of this act become effective on July 1, 1998.

Sec. 114. Section 3 of chapter 666, Statutes of Nevada 1997, at page 3327, is hereby amended to read as follows:

Sec. 3. NRS 281.511 is hereby amended to read as follows:

281.511 1. The commission shall render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances ~~{}~~ upon request ~~{}~~ from a public officer or employee who is seeking guidance on questions which directly relate to the propriety of his own past, present or future conduct as an officer or employee. He may also request the commission to hold a public hearing regarding the requested opinion. If a requested opinion relates to the propriety of his own present or future conduct, the opinion of the commission is:

(a) Binding upon the requester as to his future conduct; and

(b) Final and subject to judicial review pursuant to NRS 233B.130, except that ~~{any}~~ a proceeding regarding this review must be held in closed court without admittance of ~~{any person}~~

persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the requester.

2. The commission may render an opinion interpreting the statutory ethical standards and apply the standards to a given set of facts and circumstances:

(a) Upon request from a specialized or local ethics committee .

~~{t}~~

(b) Upon request from ~~{any}~~ **a** person, if the requester ~~{submits}~~ :

(1) Submits all related evidence deemed necessary by the commission for it to make a preliminary determination of whether ~~{it desires to take jurisdiction over the matter; or}~~ **there is just and sufficient cause to render an opinion in the matter; and**

(2) Signs a statement on a form prescribed by the commission in which he affirms that:

(I) The accusation or information contained in the request is true;

(II) He did not submit the request in bad faith or with a vexatious purpose; and

(III) He understands that the commission may impose penalties upon him pursuant to NRS 281.551 if the commission determines that the accusation or information is false and was submitted in bad faith, with a vexatious purpose or in connection with a request for an opinion that the commission determines to be without merit.

(c) Upon the commission's own motion regarding the propriety 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 ~~it~~:

~~—(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 . ~~it~~ or

~~—(b) It is an opinion requested pursuant to subsection 2 regarding the past conduct of a public officer or employee and:~~

~~—(1) The commission determines pursuant to subsection 2 that there is just and sufficient cause to render an opinion, in which case the commission may open the proceedings to the public and disclose the request for the opinion, the contents of the opinion and any motion, preliminary determination, evidence or record of a hearing related thereto;~~

~~—(2) The commission determines that there is insufficient basis to render an opinion and the person about whom the opinion was requested has asked the commission to make public the reasons for not rendering the opinion; or~~

~~—(3) The person about whom the opinion was requested discloses the request for the opinion, the contents of the opinion, or any motion, preliminary determination, evidence or record of a hearing related thereto.~~

~~—5.—If an opinion is requested and a motion that there is just and sufficient cause to render an opinion has been adopted by the commission,~~

5. Except as otherwise provided in this subsection, each document in the possession of the commission that is related to a request for an opinion regarding a public officer or employee submitted to the commission pursuant to paragraph (b) of

subsection 2, including the commission's copy of the request and all materials and information gathered in an investigation of the request, is confidential until the commission determines whether there is just and sufficient cause to render an opinion in the matter. The public officer or employee who is the subject of a request for an opinion submitted pursuant to paragraph (b) of subsection 2 may in writing authorize the commission to make its files, material and information which are related to the request publicly available.

6. Whenever the commission holds a hearing for a purpose other than to determine whether there is just and sufficient cause to render an opinion in a matter, the commission shall:

- (a) Notify the person about whom the opinion was requested of the place and time of the commission's hearing on the matter;
 - (b) Allow ~~him~~ *the person* to be represented by counsel; and
 - (c) Allow ~~him~~ *the person* to hear the evidence presented to the commission and to respond and present evidence on his own behalf.
- The commission's hearing may be held no sooner than 2 weeks after the notice is given ~~+~~

~~6.—If any person requesting~~ *unless the person agrees to a shorter time.*

7. If a person who requests an opinion pursuant to subsection 1 or 2 does not:

- (a) Submit all necessary information to the commission; and
 - (b) Declare by oath or affirmation that he will testify truthfully,
- the commission may decline to render an opinion.

~~7.] 8.~~ For the purposes of NRS 41.032, the members of the commission and its employees shall be deemed to be exercising or performing a discretionary function or duty when taking ~~any~~ *an* action related to the rendering of an opinion pursuant to this section.

~~[8.—Except as otherwise provided in this subsection, the]~~

9. The commission shall publish hypothetical opinions which are abstracted from the opinions rendered pursuant to subsection 1 , ~~for 2,]~~ for the future guidance of all persons concerned with ethical standards in government. ~~[The commission need not publish a hypothetical opinion regarding issues covered by an opinion which was made public in accordance with subsection 4.~~

~~9.] 10.~~ A meeting or hearing ~~held by]~~ *that* the commission *holds* to receive information or evidence concerning the propriety of the conduct of ~~any]~~ *a* public officer or employee pursuant to this section and the commission's deliberations on ~~the]~~ *such* information or evidence are not subject to ~~any provision]~~ *the provisions* of chapter 241 of NRS.

Sec. 115. Section 2 of chapter 673, Statutes of Nevada 1997, at page 3346, is hereby amended to read as follows:

Sec. 2. NRS 361.835 is hereby amended to read as follows:

361.835 1. A senior citizen who has rented and maintained his primary residence in a home or on a lot since July 1 of the preceding calendar year and whose household income is ~~not more than \$19,100~~ *within one of the income ranges for which assistance is provided in NRS 361.833* is entitled to a refund as determined in accordance with the schedule ~~in NRS 361.833~~ *of income ranges as adjusted pursuant to that section.*

2. The amount of the refund provided pursuant to subsection 1 must not exceed an amount equal to that portion of the rent which is rent deemed to constitute accrued property tax, even if the rental property is exempt from property tax.

Sec. 116. 1. Sections 3, 6, 7, 10, 12 and 15 of chapter 678, Statutes of Nevada 1997, at pages 3357, 3360, 3361, 3362, 3363 and 3364, respectively, are hereby amended to read respectively as follows:

Sec. 3. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail;

(b) The state board of parole commissioners directs the detention facility to admit the person to bail; or

(c) The division of parole and probation of the department of motor vehicles and public safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a battery upon his spouse, former spouse, a person to whom he is related by blood, a person with whom he is or was actually residing or with whom he has a child in common, his minor child or a minor child of that person, must not be admitted to bail sooner than 12 hours after his arrest. *If the person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without appearing personally before a magistrate, the amount of bail must be:*

(a) Three thousand dollars, if the person has no previous convictions of battery upon a person listed in this subsection and there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery upon a person listed in this subsection, but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) One previous conviction of battery upon a person listed in this subsection, but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery upon a person listed in this subsection and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) Two or more previous convictions of battery upon one or more persons listed in this subsection.

The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court.

6. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

7. *Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:*

(a) Requiring the person to remain in this state or a certain county within this state;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

8. If a person fails to comply with a condition imposed pursuant to subsection 7, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010;

or

(b) Increase the amount of bail pursuant to NRS 178.499.

9. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

10. Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

11. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

Sec. 6. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 6, in lieu of imposing any punishment other than a minimum sentence mandated by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the justice of the peace; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. An electronic device ~~{approved by the division of parole and probation of the department of motor vehicles and public safety}~~ may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,
must not be used.

5. A term of residential confinement, together with the term of any minimum sentence mandated by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

6. The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.

7. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 7. NRS 5.076 is hereby amended to read as follows:

5.076 1. Except as otherwise provided in subsection 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 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 convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the municipal judge; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. An electronic device ~~approved by the division of parole and probation of the department of motor vehicles and public safety~~ may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,
must not be used.

5. A term of residential confinement, together with the term of any minimum sentence mandated by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

6. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

7. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 10. NRS 213.1076 is hereby amended to read as follows:
213.1076 1. The division shall:

(a) Except as otherwise provided in this section, charge each parolee ~~, *or*~~ probationer *or person supervised by the division through residential confinement* a fee to defray the cost of his 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*~~ *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, public service or other activity authorized by the municipal judge; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his sentence.

3. ***In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:***

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. An electronic device approved by the division of parole and probation of the department of motor vehicles and public safety may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,
must not be used.

~~{4.}~~ 5. A term of residential confinement, together with the term of any minimum sentence mandated by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

~~{5.}~~ 6. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

7. ***The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.***

Sec. 8. Sections 1, ~~and~~ 3 and 4 of this act become effective at 12:01 a.m. on October 1, 1997.

Sec. 12.5. Section 7 of chapter 476, Statutes of Nevada 1997, at page 1805, is hereby amended to read as follows:

Sec. 7. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. ~~It is~~ Except as otherwise provided in subsection 6, in lieu of imposing any punishment other than a minimum sentence mandated by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his residence during the time he is away from his employment, public service or other activity authorized by the justice of the peace; and

(b) Require intensive supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his residence or other locations where he is expected to be to determine whether he is complying with the terms of his sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. An electronic device approved by the division of parole and probation of the department of motor vehicles and public safety may be used to supervise a convicted person sentenced to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the person at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person while inside his residence,
must not be used

.

5. A term of residential confinement, together with the term of any minimum sentence mandated by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

6. *The justice of the peace shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the justice of the peace makes a finding that the person is not likely to pose a threat to the victim of the battery.*

7. The justice of the peace may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 117. 1. Section 1 of chapter 679, Statutes of Nevada 1997, at page 3365, is hereby amended to read as follows:

Section 1. NRS 37.010 is hereby amended to read as follows:

37.010 Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public purposes:

1. Federal activities. All public purposes authorized by the Government of the United States.
2. State activities. Public buildings and grounds for the use of the state, the University and Community College System of Nevada and all other public purposes authorized by the legislature.
3. County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.
4. Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.
5. Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

6. Mining, smelting and related activities. Mining, smelting and related activities as follows:

(a) Mining and related activities, which are recognized as the paramount interest of this state.

(b) Roads, railroads, tramways, tunnels, ditches, flumes, pipes , *reservoirs, dams, water gates, canals, aqueducts* and dumping places to facilitate the milling, smelting or other reduction of ores, ~~for~~ the working , *reclamation or dewatering* of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill dams, pipe lines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.

7. Byroads. Byroads leading from highways to residences and farms.

8. Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

9. Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the state or college or university.

10. Water for generation and transmission of electricity.

Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

11. Cemeteries, public parks. Cemeteries or public parks.

12. Pipe lines of beet sugar industry. Pipe lines to conduct any liquids connected with the manufacture of beet sugar.

13. Pipe lines for petroleum products, natural gas. Pipe lines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

14. Aviation. Airports, facilities for air navigation and aerial rights of way.

15. Monorails. Monorails and any other overhead or underground system used for public transportation.

16. Community antenna television companies. Community antenna television companies which have been granted a franchise from the governing body of the jurisdictions in which they provide services. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(a) It creates no substantial detriment to the service provided by the utility;

- (b) It causes no irreparable injury to the utility; and
- (c) The public utilities commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

17. Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Chapter 679, Statutes of Nevada 1997, at page 3366, is hereby amended by adding thereto a new section to be designated as section 2, immediately following section 1, to read as follows:

Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1997.

Sec. 118. Section 15 of chapter 684, Statutes of Nevada 1997, at page 3398, is hereby amended to read as follows:

Sec. 15. NRS 366.203 is hereby amended to read as follows:

366.203 1. Special fuel , *other than compressed natural gas, liquefied petroleum gas or kerosene*, which is exempt from the tax pursuant to NRS 366.200 must be dyed before it is removed for distribution from a rack. The dye added to the exempt special fuel must be of the color and concentration required by the regulations adopted by the Secretary of the Treasury pursuant to 26 U.S.C. § 4082.

2. Except as otherwise provided in subsection 3, a person shall not operate or maintain on any highway in this state a motor vehicle which contains in the fuel tank of that vehicle special fuel which has been dyed.

3. A person who, pursuant to subsection 2, 3 or 4 of NRS 366.200 is exempt from the tax imposed by this chapter, may operate or maintain a motor vehicle on a highway in this state which contains in the fuel tank of that vehicle special fuel which has been 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 the* address is listed in the election board register, "I swear or affirm *under penalty of perjury* that I reside at the residence ~~whose~~ *for which the* address is listed in the election board register";

(b) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm *under penalty of perjury* that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm *under penalty of perjury* that I am the person whose name is in this election board register."

The oath or affirmation must be set forth on a form prepared by the secretary of state and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged" opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in section 35 of this act.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or

affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification that contains proof of the address at which he actually resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years old who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

8. The election board officers shall record the result of the challenge on the challenge list, and the election board officer in charge of the checklist shall indicate next to the name of the challenged person the result of the challenge.

Sec. 45. 1. If the request for an absent ballot is made by mail or telegram, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base, postage prepaid:

(a) Except as otherwise provided in paragraph (b) ~~[-,an]~~:

(1) *An* absent ballot ~~[-,a]~~;

(2) A return envelope ~~[-,a-stamp]~~;

(3) *Supplies* for marking the ballot ~~[-,a-stamp-pad-and instructions.]~~;

(4) *An envelope or similar device into which the ballot is inserted to ensure its secrecy; and*

(5) *Instructions.*

(b) In those cities using a mechanical voting system whereby a vote is cast by punching a card ~~[-,a]~~:

(1) A card attached to a sheet of foam plastic or similar backing material ~~[-,a]~~;

(2) A return envelope ~~[-,a]~~;

(3) A punching instrument ~~[-,a]~~;

(4) A sample ballot ~~[and instructions.]~~;

(5) *An envelope or similar device into which the card is inserted to ensure its secrecy; and*

(6) *Instructions*

.

2. The return envelope must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

3. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1.

4. Before depositing the ballot with the United States Postal Service, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

Sec. 47. 1. If a request for an absent ballot is made by a registered voter in person, the city clerk shall issue an absent ballot to the registered voter, and the ballot must be voted on the premises of the city clerk's office and returned to the city clerk. The city clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. At least 25 days before a primary city election or general city election until 5:00 p.m. ~~{the day}~~ on:

(a) *The Friday before the election; or*

(b) *If the office of a city clerk is not scheduled to be open on the Friday before the election, the Thursday* before the election, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued absent ballots in accordance with this section.

Sec. 48. 1. When an absent voter receives his ballot, he must ~~{stamp}~~ mark and fold it, if it is a paper ballot, or punch it, if the ballot is voted by punching a card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. If the absent voter who has received a ballot by mail applies to vote the ballot in person at:

(a) The city clerk's office, he must ~~{stamp}~~ mark or punch the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it ~~{“Spoiled.”}~~ *“Canceled.”*

3. Except as otherwise provided in section 43 of this act, it is unlawful for any person other than the voter who requested an absent ballot to return it. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 55. 1. The city clerk shall:

(a) Make certain of the names and addresses of all voters registered to vote in mailing precincts and absent ballot mailing precincts;

(b) Enroll the name and address of each voter found eligible to vote in those precincts in the mailing precinct record book;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. Except as otherwise provided in subsection 3, the ballot must be accompanied by:

(a) ~~{A stamp and stamp pad;}~~ *Supplies for marking the ballot;*

(b) A return envelope;

(c) *An envelope or similar device into which the ballot is inserted to ensure its secrecy;*

(d) A sample ballot; and

~~{(d)}~~ (e) Instructions regarding the manner of ~~{stamping}~~ *marking* and returning the ballot.

3. In those cities using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:

(a) A sheet of foam plastic or similar backing material attached to the card;

(b) A punching instrument;

(c) A return envelope;

(d) *An envelope or similar device into which the card is inserted to ensure its secrecy;*

(e) A sample ballot; and

~~{(e)}~~ (f) Instructions concerning the manner of punching and returning the card.

Sec. 146. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) The fiscal note, as provided pursuant to NRS 218.443 or 293.250, for each proposed constitutional amendment or statewide measure;

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it; and

(c) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county ~~{or city}~~ clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is

provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election, the county ~~for city~~ clerk shall cause to be mailed to each registered voter in the county ~~for city~~ a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county ~~for city~~ clerk shall mail a notice of the change to each registered voter in the county ~~for city~~ not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

**NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION**

4. The county ~~for city~~ clerk shall include in each sample ballot for a primary election, ~~for primary city election,~~ a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

5. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 149. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county ~~for city~~ clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, but not limited to, overvotes or, in a primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year; or

(2) A general election,

the total votes, other than absentee votes and votes in a mailing precinct, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code

identifying the precinct in which it was voted and, in a primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he deems necessary to protect the program from being altered or damaged.

Sec. 154. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. ~~[An affidavit of candidacy;~~

~~—4.]~~ The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to 294A.250; or

~~[5.]~~ 4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.140, 294A.150, 294A.180, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360, shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the secretary of state pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.140, 294A.150, 294A.180, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or section 12 of ~~[this act]~~ **Senate Bill No. 215 of this session** must be printed on the forms. The candidate or entity shall acknowledge receipt of the material.

Sec. 158. NRS 236.015 is hereby amended to read as follows:

236.015 1. The following days are declared to be legal holidays for state, county and city governmental offices:

January 1 (New Year's Day)

Third Monday in January (Martin Luther King, Jr.'s Birthday)

Third Monday in February (Washington's Birthday)

Last Monday in May (Memorial Day)

July 4 (Independence Day)

First Monday in September (Labor Day)

October 31 (Nevada Day)

November 11 (Veterans' Day)

Fourth Thursday in November (Thanksgiving Day)

)

Friday following the fourth Thursday in November (Family Day)

December 25 (Christmas Day)

Any day that may be appointed by the President of the United States for public fast, thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans' Day.

2. Except as otherwise provided by NRS 293.560 ~~H~~ and **section 72 of this act**, all state, county and city offices, courts, public schools and the University and Community College System of Nevada must close on the legal holidays enumerated in subsection 1 unless in the case of appointed holidays all or a part thereof are specifically exempted.

3. If January 1, July 4, October 31, November 11 or December 25 falls upon a:

(a) Sunday, the Monday following must be observed as a legal holiday.

(b) Saturday, the Friday preceding must be observed as a legal holiday.

Sec. 162. NRS 283.040 is hereby amended to read as follows:

283.040 1. Every office becomes vacant upon the occurring of any of the following events before the expiration of the term:

(a) The death or resignation of the incumbent.

(b) The removal of the incumbent from office.

(c) The confirmed insanity of the incumbent, found by a court of competent jurisdiction.

(d) A conviction of the incumbent of any felony or offense involving a violation of his official oath or bond or a violation of NRS 241.040 or 293.1755 ~~H~~ or **section 10 of this act**.

(e) A refusal or neglect of the person elected or appointed to take the oath of office, as prescribed in NRS 282.010, or, when a bond is required by law, his refusal or neglect to give ~~such a~~ **the** bond within the time prescribed by law.

(f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be a resident of the state, district, county, city, ward or other unit prescribed by law in which the duties of his office are to be exercised, or from which he was elected or appointed, or in which he was required to reside to be a candidate for office or appointed to office.

(g) The neglect or refusal of the incumbent to discharge the duties of his office for a period of 30 days, except when prevented by sickness or absence from the state or county, as provided by law. In a county whose population is less than 10,000, after an incumbent, other than a state officer, has been prevented by sickness from discharging the duties of his office for at least 6

months, the district attorney, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. If the incumbent holds the office of district attorney, the attorney general, either on his own volition or at the request of another person, may petition the district court to declare the office vacant. The district court shall hold a hearing to determine whether to declare the office vacant and, in making its determination, shall consider evidence relating to:

- (1) The medical condition of the incumbent;
 - (2) The extent to which illness, disease or physical weakness has rendered the incumbent unable to manage independently and perform the duties of his office; and
 - (3) The extent to which the absence of the incumbent has had a detrimental effect on the applicable governmental entity.
- (h) The decision of a competent tribunal declaring the election or appointment void or the office vacant.

2. Upon the happening of any of the events ~~{enumerated}~~ *described* in subsection 1, ~~{should the incumbent fail or refuse}~~ *if the incumbent fails or refuses* to relinquish his office, the attorney general shall, if the office ~~{affected}~~ is a state office or concerns more than one county, or the district attorney shall, if the office ~~{affected}~~ is a county office or concerns territory within one county, commence and prosecute, in a court of competent jurisdiction, any proceedings for judgment and decree declaring ~~{such}~~ *that* office vacant.

Sec. 165. NRS 350.024 is hereby amended to read as follows:

350.024 1. Except as otherwise provided in subsection 3, the sample ballot required to be mailed pursuant to NRS 293.565 *or section 73 of this act* and the notice of election must contain:

- (a) The time and places of holding the election.
- (b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.
- (c) The purposes for which the obligations are to be issued or incurred.
- (d) A disclosure of any:
 - (1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued or incurred and its probable effect on the tax rate; and
 - (2) Requirement relating to the proposal which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.
- (e) The maximum amount of the obligations, including the anticipated interest, separately stating the total principal, the total anticipated interest and the anticipated interest rate.

(f) The maximum number of years which the obligations are to run.

(g) An estimate of the range of tax rates necessary to provide for debt service upon the obligations for the dates when they are to be redeemed. The municipality shall, for each such date, furnish an estimate of the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

2. If an operating or maintenance rate is proposed in conjunction with the question to issue obligations, the questions may be combined, but the sample ballot and notice of election must each state the tax rate required for the obligations separately from the rate proposed for operation and maintenance.

3. Any election called pursuant to NRS 350.020 to 350.070, inclusive, may be consolidated with a primary or general municipal election or a primary or general state election. The notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

4. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for ~~two~~ 2 successive calendar weeks next preceding the close of registration for the election.

Sec. 174. 1. Sections 97, 108, 114, 119, 127.8, 145, ~~146,~~ 154, 162 and 167 of this act become effective at 12:01 a.m. on October 1, 1997.

2. *Section 146 of this act becomes effective at 12:02 a.m. on October 1, 1997.*

2. Chapter 686, Statutes of Nevada 1997, at page 3428, is hereby amended by adding thereto a new section to be designated as section 33.1, immediately following section 33, to read as follows:

Sec. 33.1. If a candidate whose name appears on the ballot at a general city election dies within the periods set forth in section 62 of this act, the city clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot.

3. Chapter 686, Statutes of Nevada 1997, at page 3436, is hereby amended by adding thereto new sections to be designated as sections 57.1 to 57.85, inclusive, immediately following section 57, to read respectively as follows:

Sec. 57.1. 1. If a request is made to vote early by a registered voter in person, the city clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's

office and returned to the clerk. If the ballot is a paper ballot or a ballot which is voted by punching a card, the clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. On the dates for early voting prescribed in section 57.2 of this act, each city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 57.15. The city clerk may establish permanent polling places for early voting by personal appearance at locations designated by him throughout the city. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.

Sec. 57.2. 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and holidays excepted.

2. The city clerk may:

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m. or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

Sec. 57.25. 1. In addition to permanent polling places for early voting, the city clerk may establish temporary branch polling places for early voting.

2. The provisions of subsection 3 of section 57.2 of this act do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 57.3. 1. The city clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting and the election precincts served by each location.

(b) The dates and hours that early voting will be conducted at each location.

2. The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The city clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 57.35. 1. The city clerk shall appoint for each polling place for early voting a deputy clerk for early voting who must serve as the election officer in charge of the polling place.

2. The city clerk may also appoint as many additional deputy clerks as he deems necessary for the proper conduct of the election.

Sec. 57.4. If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance, the election board shall, before the polls open on each day during that period:

1. Prepare each mechanical recording device for voting.

2. Ensure that each mechanical recording device will not register any ballots which were previously voted on the mechanical recording device as having been voted on that day.

Sec. 57.45. 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The city clerk shall prescribe a procedure, approved by the secretary of state, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

- (a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;
- (b) The voter's precinct or voting district number; and
- (c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. If the ballot is voted by punching a card, the deputy clerk for early voting shall:

- (a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;
- (b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and
- (c) Allow the voter to place his voted ballot in the ballot box.

6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:

- (a) Prepare the mechanical recording device for the voter;
- (b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on each part of the voting receipt;
- (c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and
- (d) Allow the voter to cast his vote.

7. A voter applying to vote early by personal appearance may be challenged pursuant to section 34 of this act.

Sec. 57.5. 1. The ballot box for early voting in which voted ballots which are paper ballots or ballots which are voted by punching a card are deposited must have two locks, each with a different key and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.

2. During the period for early voting by personal appearance, the city clerk shall keep the key to one of the locks to the ballot box for early voting and a designated custodian, not under the authority of the city clerk, shall keep the key to the second lock.

3. Each custodian shall retain possession of the key entrusted to him until it is delivered to the ballot board for early voting.

Sec. 57.55. 1. A plan for the security of ballots for early voting must be submitted to the secretary of state for approval no

later than 90 days before the election at which early voting is to be conducted.

2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the secretary of state so that its unauthorized operation is prevented.

3. All materials for early voting must be delivered to the city clerk's office at the close of voting on the last day for voting at the polling place for early voting.

Sec. 57.6. 1. A ballot board for early voting must be appointed by the city clerk to handle early voting ballots for that city.

2. The board must consist of two co-chairmen who must be of different political parties and at least two other members who may be of the same political party as one of the co-chairmen but must not be of the same political party as any other member.

Sec. 57.65. If paper ballots or ballots which are voted by punching a card are used during the period for early voting by personal appearance:

1. The ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the city clerk's office at the close of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.

2. When the ballot box is delivered pursuant to subsection 1, the city clerk shall provide a new ballot box locked in the manner prescribed in section 57.5 of this act.

3. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the city clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box containing the ballots voted early by personal appearance and his key to each box;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the call of the chairmen of the board, the custodian of the key to the second lock on the ballot boxes shall deliver his key for each box to the presiding officer.

5. Upon the receipt of ballots, the board shall:

(a) Remove all ballots from the ballot boxes and sort the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

d

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

6. The city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 5 if those members do not interfere with the handling of the ballots.

Sec. 57.7. If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day;

(5) The number of signatures in the roster for early voting for that day; and

(6) The number of voting receipts retained pursuant to section 57.45 of this act for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by section 57.55 of this act; and

(2) Each mechanical voting device in the manner prescribed by the secretary of state pursuant to section 57.55 of this act.

2. At the close of the last voting day, the city clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting receipts retained pursuant to section 57.45 of this act;

(c) The voting rosters used for early voting;

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(e) Any other items as determined by the city clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and
d

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 57.75. 1. After 8 a.m. on election day, the appropriate board shall count in public the returns for early voting.

2. The returns for early voting must not be reported until after the polls have closed on election day.

3. The returns for early voting may be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of the voter's ballot.

4. The city clerk shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.

Sec. 57.8. On election day the city clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) The items sorted and counted pursuant to subsection 3 of section 57.7 of this act;

(b) The records printed on paper provided pursuant to subsection 1; and

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 57.85. 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

4. Chapter 686, Statutes of Nevada 1997, at page 3460, is hereby amended by adding thereto new sections to be designated as sections 127.1 to 127.8, inclusive, immediately following section 127, to read respectively as follows:

Sec. 127.1. NRS 293.356 is hereby amended to read as follows:

293.356 1. If a request is made to vote early by a registered voter in person, the county ~~for city~~ clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. If the ballot is a paper ballot or a ballot which is voted by punching a card, the clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. On the dates for early voting prescribed in NRS 293.3568, each county ~~for city~~ clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 127.15. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. The county clerk may establish permanent polling places for early voting by personal appearance at locations designated by him throughout the county. Except as otherwise provided in subsection 2, any person entitled to vote early by personal appearance may do so at any polling place for early voting.

2. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, he may:

(a) Provide appropriate forms of ballots for all offices within a township, city, town or county commissioner election district, as determined by the county clerk; and

(b) Limit voting at that polling place to registered voters in that township, city, town or county commissioner election district.

~~{3.—The city clerk may establish permanent polling places for early voting by personal appearance at locations designated by him throughout the city. Any person entitled to vote early by personal appearance may do so at any polling place for early voting.}~~

Sec. 127.2. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election ~~{, or a primary city election or general city election,}~~ and extends through the Friday before election day, Sundays and holidays excepted.

2. The county ~~for city~~ clerk may:
 - (a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.
 - (b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.
3. A permanent polling place for early voting must remain open:
 - (a) On Monday through Friday:
 - (1) During the first week of early voting, from 8 a.m. until 6 p.m.
 - (2) During the second week of early voting, from 8 a.m. until 6 p.m. or until 8 p.m. if the county ~~for city~~ clerk so requires.
 - (b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.
 - (c) If the county clerk ~~for city clerk~~ includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

Sec. 127.25. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county ~~for city~~ clerk may establish temporary branch polling places for early voting.

2. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county ~~for city~~ clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 127.3. NRS 293.3576 is hereby amended to read as follows:

293.3576 1. The county ~~for city~~ clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:

(a) The location of each permanent and temporary polling place for early voting and the election precincts served by each location.

(b) The dates and hours that early voting will be conducted at each location.

2. The county clerk shall post a copy of the schedule on the bulletin board used for posting notice of meetings of the board of county commissioners. ~~[/The city clerk shall post a copy of the schedule on the bulletin board used for posting notice of the meetings of the city council.]~~ The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county ~~[/or city]~~ clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 127.35. NRS 293.358 is hereby amended to read as follows:

293.358 1. The county ~~[/or city]~~ clerk shall appoint for each polling place for early voting a deputy clerk for early voting who must serve as the election officer in charge of the polling place.

2. The county ~~[/or city]~~ clerk may also appoint as many additional deputy clerks as he deems necessary for the proper conduct of the election.

Sec. 127.4. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

- (a) Determine that the person is a registered voter in the county;
- (b) Instruct the voter to sign the roster for early voting; and
- (c) Verify the signature of the voter against that contained on the original application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.

2. The county ~~[/or city]~~ clerk shall prescribe a procedure, approved by the secretary of state, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

- (a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;
- (b) The voter's precinct or voting district number; and
- (c) The date of voting early in person.

4. When a voter is entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. If the ballot is voted by punching a card, the deputy clerk for early voting shall:

- (a) Ensure that the voter's precinct or voting district and the form of ballot are indicated on the card;
 - (b) Direct the voter to the appropriate mechanical recording device for his form of ballot; and
 - (c) Allow the voter to place his voted ballot in the ballot box.
6. If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:
- (a) Prepare the mechanical recording device for the voter;
 - (b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on each part of the voting receipt;
 - (c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and
 - (d) Allow the voter to cast his vote.

7. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 127.45. NRS 293.359 is hereby amended to read as follows:

- 293.359 1. The ballot box for early voting in which voted ballots which are paper ballots or ballots which are voted by punching a card are deposited must have two locks, each with a different key and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.
2. During the period for early voting by personal appearance, the county ~~for city~~ clerk shall keep the key to one of the locks to the ballot box for early voting and a designated custodian, not under the authority of the county ~~for city~~ clerk, shall keep the key to the second lock.
3. Each custodian shall retain possession of the key entrusted to him until it is delivered to the ballot board for early voting.

Sec. 127.5. NRS 293.3594 is hereby amended to read as follows:

- 293.3594 1. A plan for the security of ballots for early voting must be submitted to the secretary of state for approval no later than 90 days before the election at which early voting is to be conducted.
2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the secretary of state so that its unauthorized operation is prevented.
3. All materials for early voting must be delivered to the county clerk's office ~~for the city clerk's office~~ at the close of voting on the last day for voting at the polling place for early voting.

Sec. 127.55. NRS 293.3598 is hereby amended to read as follows:

293.3598 1. A ballot board for early voting must be appointed by the county clerk to handle early voting ballots for that county. ~~{A ballot board for early voting must be appointed by the city clerk to handle early voting ballots for that city.~~

~~2. Each ballot}~~

2. **The** board must consist of two co-chairmen who must be of different political parties and at least two other members who may be of the same political party as one of the co-chairmen but must not be of the same political party as any other member.

Sec. 127.6. NRS 293.3602 is hereby amended to read as follows:

293.3602 If paper ballots or ballots which are voted by punching a card are used during the period for early voting by personal appearance:

1. The ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the county clerk's office ~~{or the city clerk's office}~~ at the close of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.

2. When the ballot box is delivered pursuant to subsection 1, the county ~~{or city}~~ clerk shall provide a new ballot box locked in the manner prescribed in NRS 293.359.

3. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county ~~{or city}~~ clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county ~~{or city}~~ clerk shall deliver to the ~~{appropriate}~~ ballot board for early voting:

(a) Each remaining ballot box containing the ballots voted early by personal appearance and his key to each box;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the call of the chairmen of the board, the custodian of the key to the second lock on the ballot boxes shall deliver his key for each box to the presiding officer.

5. Upon the receipt of ballots, the board shall:

(a) Remove all ballots from the ballot boxes and sort the ballots by precinct or voting district;

(b) Count the number of ballots by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a

numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

6. The county ~~for city~~ clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 5 if those members do not interfere with the handling of the ballots.

Sec. 127.65. NRS 293.3604 is hereby amended to read as follows:

293.3604 If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in an election other than a presidential preference primary election:

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to NRS 293B.084;

(4) The number of ballots voted on the mechanical recording device for that day;

(5) The number of signatures in the roster for early voting for that day; and

(6) The number of voting receipts retained pursuant to NRS 293.3585 for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the secretary of state pursuant to NRS 293.3594.

2. At the close of the last voting day, the county ~~for city~~ clerk shall deliver to the ~~appropriate~~ ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting receipts retained pursuant to NRS 293.3585;

(c) The voting rosters used for early voting;

(d) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting; and

(e) Any other items as determined by the county ~~for city~~ clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a

numbered seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 127.7. NRS 293.3606 is hereby amended to read as follows:

293.3606 1. After 8 a.m. on election day, the appropriate board shall count in public the returns for early voting.

2. The returns for early voting must not be reported until after the polls have closed on election day.

3. The returns for early voting may be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of the voter's ballot.

4. The county ~~for city~~ clerk shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.

Sec. 127.75. NRS 293.3608 is hereby amended to read as follows:

293.3608 On election day the county ~~for city~~ clerk shall:

1. Ensure that each mechanical recording device used during the period for early voting provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) The items sorted and counted pursuant to subsection 3 of NRS 293.3604;

(b) The records printed on paper provided pursuant to subsection 1; and

(c) The storage device required pursuant to NRS 293B.084 from each mechanical recording device used during the period for early voting.

Sec. 127.8. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county ~~for city~~ clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

5. Chapter 686, Statutes of Nevada 1997, at page 3482, is hereby amended by adding thereto a new section to be designated as section 171.1, immediately following section 171, to read as follows:

Sec. 171.1. Section 6 of chapter 355, Statutes of Nevada 1997, at page 1292, is hereby amended to read as follows:

Sec. 6. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

If a candidate whose name appears on the ballot at a general election ~~for general city election~~ dies within the periods set forth in NRS 293.368, the county ~~for city~~ clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot.

Sec. 120. Section 27 of chapter 480, Statutes of Nevada 1997, at page 1854, and section 321 of chapter 482, Statutes of Nevada 1997, at page 2015, are hereby repealed.

Sec. 121. This act becomes effective upon passage and approval.

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