

Assembly Bill No. 650—Committee on Government Affairs

CHAPTER.....

AN ACT relating to classifications based on population; changing the population basis for the exercise of certain powers by local governments; 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.** NRS 244.3673 is hereby amended to read as follows:

244.3673 The board of county commissioners of any county whose population is ~~150,000~~ **100,000** or more or which has been converted into a consolidated municipality may provide by ordinance for the investigation of fires in which a death has occurred or which are of a suspicious origin, and for the enforcement of regulations adopted by the state fire marshal.

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** NRS 254.010 is hereby amended to read as follows:

254.010 The board of county commissioners of any county in this state whose population is ~~16,000~~ **5,000** or more may appoint a county engineer and fix his compensation.

**Sec. 4.** NRS 62.180 is hereby amended to read as follows:

62.180 1. Provision must be made for the temporary detention of children in a detention home to be conducted as an agency of the court or in some other appropriate public institution or agency, or the court may arrange for the care and custody of such children temporarily in private homes subject to the supervision of the court, or may arrange with any private institution or private agency to receive for temporary care and custody children within the jurisdiction of the court.

2. Except as otherwise provided in this subsection and subject to the provisions of this chapter, any county may provide, furnish and maintain at public expense a building suitable and adequate for the purpose of a detention home for the temporary detention of children. In a county whose population is ~~135,000~~ **50,000** or more, the board of county commissioners shall provide the detention facilities. Two or more counties, without regard to their respective populations, may provide a combined detention home under suitable terms agreed upon between the respective boards of county commissioners and the judges of the juvenile court regularly sitting in the judicial districts covering the counties.

3. Any detention home built and maintained under this chapter must be constructed and conducted as nearly like a home as possible, and must not be deemed to be or treated as a penal institution.

4. Except as otherwise provided in this subsection, a detention home built and maintained under this chapter must not adjoin, be located on the same grounds as, or share common facilities or common grounds with a prison, an adult jail or an adult lockup. If a detention home built and maintained under this chapter complies with the provisions of 28 C.F.R. § 31.303 relating to collocated facilities, the detention home may adjoin, be located on the same grounds as, or share common facilities or common grounds with an adult jail or an adult lockup.

5. In addition to detention homes, a county may provide and maintain at public expense programs which provide alternatives to placing a child in a detention home.

**Sec. 5.** NRS 217.450 is hereby amended to read as follows:

217.450 1. The commission on mental health and developmental services shall advise the administrator of the division concerning the award of grants from the account for aid for victims of domestic violence.

2. The administrator of the division shall give priority to those applications for grants from the account for aid for victims of domestic violence submitted by organizations which offer the broadest range of services for the least cost within one or more counties. The administrator shall not approve the use of money from a grant to acquire any buildings.

3. The administrator of the division has the final authority to approve or deny an application for a grant. The administrator shall notify each applicant in writing of the action taken on its application within 45 days after the deadline for filing the application.

4. In determining the amount of money to be allocated for grants, the administrator of the division shall use the following formula:

(a) A basic allocation of \$7,000 must be made for each county whose population is less than 100,000. For counties whose population is 100,000 or more, the basic allocation is \$35,000. These allocations must be increased or decreased for each fiscal year ending after June 30, 1990, by the same percentage that the amount deposited in the account during the preceding fiscal year, pursuant to NRS 122.060, is greater or less than the sum of \$791,000.

(b) Any additional revenue available in the account must be allocated to grants, on a per capita basis, for all counties whose population is ~~\$14,000~~ **20,000** or more.

(c) Money remaining in the account after disbursement of grants does not revert and may be awarded in a subsequent year.

**Sec. 6.** NRS 231.040 is hereby amended to read as follows:

231.040 1. The commission on economic development is composed of the lieutenant governor, who is its chairman, and six members who are appointed by the governor.

2. The governor shall appoint as members of the commission persons who have proven experience in economic development which was acquired by them while engaged in finance, manufacturing, mining, agriculture, the field of transportation, or in general business other than tourism or gaming.

3. The governor shall appoint at least one member who is a resident of:

(a) Clark County.

(b) Washoe County.

(c) A county whose population is ~~\$35,000~~ **50,000** or less.

**Sec. 7.** NRS 231.067 is hereby amended to read as follows:

231.067 The commission on economic development shall:

1. Develop a state plan for industrial development and diversification.

2. Promote, encourage and aid the development of commercial, industrial, agricultural, mining and other vital economic interests of this state, except for travel and tourism, except that in a county whose population is less than ~~\$35,000~~ **50,000**, the county may include

community development and the development of the nongaming recreation and tourism industry in its economic development efforts.

3. Identify sources of financing and assist businesses and industries which wish to locate in Nevada in obtaining financing.

4. Provide and administer grants of money to political subdivisions of the state and to local or regional organizations for economic development to assist them in promoting the advantages of their communities and in recruiting businesses to relocate in those communities. Each recipient must provide an amount of money, at least equal to the grant, for the same purpose, except, in a county whose population is less than ~~135,000,~~ **50,000**, the commission may, if convinced that the recipient is financially unable to do so, provide such a grant with less than equal matching money provided by the recipient.

5. Encourage and assist state, county and city agencies in planning and preparing projects for economic or industrial development and financing those projects with revenue bonds.

6. Coordinate and assist the activities of counties, cities, local and regional organizations for economic development and fair and recreation boards in the state which affect industrial development, except for travel and tourism, except that in a county whose population is less than ~~135,000,~~ **50,000**, the county may include community development and the development of the nongaming recreation and tourism industry in its economic development efforts.

7. Arrange by cooperative agreements with local governments to serve as the single agency in the state where relocating or expanding businesses may obtain all required permits.

8. Promote close cooperation between public agencies and private persons who have an interest in industrial development and diversification in Nevada.

9. Organize and coordinate the activities of a group of volunteers which will aggressively select and recruit businesses and industries, especially small industries, to locate their offices and facilities in Nevada.

**Sec. 8.** NRS 231.170 is hereby amended to read as follows:

231.170 1. The commission on tourism is composed of the lieutenant governor, who is its chairman, and eight members who are appointed by the governor.

2. The governor shall appoint as members of the commission persons who are informed on and have experience in travel and tourism, including the business of gaming.

3. The chief administrative officers of the county fair and recreation boards or, if there is no county fair and recreation board in the county, the chairman of the board of county commissioners, of the three counties that paid the largest amount of the proceeds from the taxes imposed on the revenue from the rental of transient lodging to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism created by NRS 231.250 for the previous fiscal year are ex officio but nonvoting members of the commission. A change in any member of the commission who serves pursuant to the provisions of this subsection that is required because of a change in the amount of the proceeds paid to the department of taxation by each county must be

effective on January 1 of the calendar year immediately following the fiscal year in which the proceeds were paid to the department of taxation.

4. In addition to the appointments made pursuant to subsection 3, the governor shall appoint:

- (a) At least one member who is a resident of Clark County.
- (b) At least one member who is a resident of Washoe County.
- (c) At least two members who are residents of counties whose population is ~~150,000~~ 100,000 or less.
- (d) One member who is a resident of any county in this state.

**Sec. 9.** NRS 231.260 is hereby amended to read as follows:

231.260 The commission on tourism, through its division of tourism, shall:

- 1. Promote this state so as to increase the number of domestic and international tourists.
- 2. Promote special events which are designed to increase tourism.
- 3. Develop a state plan to promote travel and tourism in Nevada.
- 4. Develop a comprehensive program of marketing and advertising, for both domestic and international markets, which publicizes travel and tourism in Nevada in order to attract more visitors to this state or lengthen their stay.

5. Provide and administer grants of money or matching grants to political subdivisions of the state, to fair and recreation boards, and to local or regional organizations which promote travel and tourism, to assist them in:

- (a) Developing local programs for marketing and advertising which are consistent with the state plan.
- (b) Promoting specific events and attractions in their communities.
- (c) Evaluating the effectiveness of the local programs and events.

Each recipient must provide an amount of money, at least equal to the grant, for the same purpose, except, in a county whose population is less than ~~135,000~~ 50,000, the commission may, if convinced that the recipient is financially unable to do so, provide a grant with less than equal matching money provided by the recipient.

6. Coordinate and assist the programs of travel and tourism of counties, cities, local and regional organizations for travel and tourism, fair and recreation boards and transportation authorities in the state. Local governmental agencies which promote travel and tourism shall coordinate their promotional programs with those of the commission.

7. Encourage cooperation between public agencies and private persons who have an interest in promoting travel and tourism in Nevada.

8. Compile or obtain by contract, keep current and disseminate statistics and other marketing information on travel and tourism in Nevada.

9. Prepare and publish, with the assistance of the division of publications, brochures, travel guides, directories and other materials which promote travel and tourism in Nevada.

**Sec. 10.** NRS 268.048 is hereby amended to read as follows:

268.048 1. The governing body of a city located in a county whose population is less than ~~111,000~~ 15,000, upon making a finding pursuant to a public hearing that a city industrial park is necessary to meet the needs of

the city, and that no private enterprise has presented an acceptable proposal for industrial development, may develop a plan and establish requirements for the:

(a) Acquisition, sale or lease of real property by the city for industrial development; and

(b) Design, engineering and construction of industrial developments.

2. The governing body shall:

(a) Give notice of its intention by publication at least once in a newspaper of general circulation published in the city, or if there is no such newspaper then in a newspaper of general circulation in the city published in the state; and

(b) Hold its public hearing not less than 10 nor more than 20 days after the date of publication of the notice.

3. The governing body may grant an option to purchase property designated for industrial development. The duration of the option must not exceed 3 years but afterward the governing body may extend it year by year. Any attempted assignment of the option, whether contractual or effected by operation of law, is void. Upon its execution, the option must immediately be recorded by the governing body with the county recorder.

4. After review by the planning commission, a member of the governing body or the purchaser or lessee of the property shall present the proposed plan for an industrial development to the governing body.

5. The governing body shall, after a public hearing, approve or reject the proposed plan.

**Sec. 11.** NRS 268.802 is hereby amended to read as follows:

268.802 1. The governing body of an incorporated city whose population is ~~1200,000~~ **300,000** or more may by ordinance create a district.

2. Not more than one district may be created in each such city.

3. A district is not entitled to receive any distribution of supplemental city-county relief tax.

**Sec. 12.** NRS 268.811 is hereby amended to read as follows:

268.811 As used in NRS 268.810 to 268.823, inclusive, unless the context otherwise requires:

1. “Governing body” means the governing body of a city whose population is ~~1200,000~~ **300,000** or more.

2. “Operating entity” means a public operating entity of a pedestrian mall or a private operating entity with whom a governing body has contracted for the acquisition, construction, improvement, operation, management or maintenance of a pedestrian mall, or any combination thereof.

3. “Pedestrian mall” means an area including portions of one or more streets or alleys that has been set aside for use primarily by pedestrians and to which access by motor vehicles is prohibited or restricted. The term includes all improvements and appurtenances thereto that are designed to be used primarily for the movement, safety, convenience, enjoyment, entertainment, recreation or relaxation of pedestrians.

4. “Redevelopment agency” means a governmental entity created pursuant to NRS 279.382 to 279.685, inclusive, or a legislative body which has elected to exercise the powers granted to an agency under NRS 279.382 to 279.685, inclusive.

**Sec. 13.** NRS 268.812 is hereby amended to read as follows:

268.812 1. The governing body of an incorporated city whose population is ~~200,000~~ 300,000 or more may by ordinance create a pedestrian mall.

2. Before adopting an ordinance creating a pedestrian mall, the governing body must find that it would be in the best interests of the city and beneficial to the owners of adjacent property to use the street or streets or other thoroughfare or thoroughfares primarily for pedestrians.

3. The ordinance must establish the boundaries of the pedestrian mall and the governing body may change the boundaries by ordinance. The area included within a pedestrian mall may be contiguous or noncontiguous.

4. In addition to other requirements for the consideration and adoption of an ordinance, at least 10 days before the date fixed for a public hearing on the adoption of the ordinance creating a pedestrian mall, a notice of the date, time and place of the hearing and a copy of the proposed ordinance, or notification that a copy is available in the office of the city clerk, must be mailed to the owners of record of the property included within the proposed boundaries of the pedestrian mall. The names and addresses of the owners of such property may be obtained from the records of the county assessor or from such other source or sources as the governing body deems reliable. Any such list of names and addresses appertaining to any pedestrian mall may be revised from time to time, but such a list need not be revised more frequently than at 12-month intervals.

5. Unless otherwise provided by the governing body in the ordinance, all property of the city that is used in conjunction with or as a part of the pedestrian mall remains property of the city and must not be considered vacated for any purpose.

**Sec. 14.** NRS 278.02095 is hereby amended to read as follows:

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of “single-family residence” must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

The governing body of a local government in a county whose population is less than ~~125,000~~ 40,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the manufactured housing division of the department of business and industry. The division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

**Sec. 15.** NRS 278.0262 is hereby amended to read as follows:

278.0262 1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a regional planning commission consisting of:

(a) Three members from the local planning commission of each city in the county whose population is ~~140,000~~ 60,000 or more, appointed by the respective governing bodies of those cities;

(b) One member from the local planning commission of each city in the county whose population is less than ~~140,000~~ 60,000, appointed by the respective governing bodies of those cities; and

(c) Three members from the local planning commission of the county, appointed by the governing body of the county, at least two of whom must reside in unincorporated areas of the county.

2. Except for the terms of the initial members of the commission, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A member who ceases to be a member of the local planning commission of the jurisdiction from which he is appointed automatically ceases to be a member of the commission. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.



3. The commission shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is ~~140,000~~ 60,000 or more, as determined pursuant to a schedule adopted by the commission and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

4. A member of the commission must be compensated at the rate of \$80 per meeting or \$400 per month, whichever is less.

5. Each member of the commission must successfully complete the course of training prescribed by the governing body pursuant to subsection 2 of NRS 278.0265 within 1 year after the date on which his term of appointment commences. A member who fails to complete successfully the course of training as required pursuant to this subsection forfeits his appointment 1 year after the date on which his term of appointment commenced.

**Sec. 16.** NRS 278.0264 is hereby amended to read as follows:

278.0264 1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is ~~140,000~~ 60,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than ~~140,000~~ 60,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or



a city whose population is more than ~~40,000,~~ **60,000**, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him shall serve without additional compensation. All other members must be compensated at the rate of \$40 per meeting or \$200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. The governing board may sue or be sued in any court of competent jurisdiction.

9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.

**Sec. 17.** NRS 278.030 is hereby amended to read as follows:

278.030 1. The governing body of each city ~~and of each county~~ whose population is 25,000 or more **and of each county whose population is 40,000 or more** shall create by ordinance a planning commission to consist of seven members.

2. Cities ~~and counties~~ whose population is less than 25,000 **and counties whose population is less than 40,000** may create by ordinance a planning commission to consist of seven members. If the governing body of any city ~~for of any county~~ whose population is less than 25,000 **or of any county whose population is less than 40,000** deems the creation of a planning commission unnecessary or inadvisable, the governing body may, in lieu of creating a planning commission as provided in this subsection, perform all the functions and have all of the powers which would otherwise be granted to and be performed by the planning commission.

**Sec. 18.** NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of such map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.

3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when authorized by the governing body, the subdivider or any other appropriate agency shall

distribute copies of the map and any accompanying data to all state and local agencies charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to take final action on a tentative map, the planning commission shall:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. It shall file its written decision with the governing body.

**Sec. 19.** NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action shall, by an affirmative vote of a majority of all the members, approve, conditionally approve, or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as flood plain, slope and soil;

(i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 to 278.348, inclusive; and

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. Any disapproval or conditional approval must include a statement of the reason for that action.

**Sec. 20.** NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is ~~140,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~140,000~~ 50,000, within 60 days,

after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is ~~140,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~140,000~~ 50,000, within 60 days,

after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. It shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing

body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 2 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after the date of the request for the waiver, or, in the absence of action, the waiver shall be deemed approved.

5. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

6. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission may appeal to the governing body within a reasonable period to be determined, by ordinance, by the governing body. The governing body shall render its decision:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after the date the appeal is filed.

7. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if

applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.

**Sec. 21.** NRS 278.4725 is hereby amended to read as follows:

278.4725 1. Except as otherwise provided in this section, if the governing body has authorized the planning commission to take final action on a final map, the planning commission shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning commission may appeal to the governing body within a reasonable period to be determined, by ordinance, by the governing body. The governing body shall render its decision:

(a) In a county whose population is ~~40,000~~ 50,000 or more, within 45 days; or

(b) In a county whose population is less than ~~40,000~~ 50,000, within 60 days,

after the date on which the appeal is filed.

4. If the map is disapproved, the governing body or its authorized representative or the planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable.

5. If the final map divides the land into 16 lots or more, the governing body or its authorized representative or the planning commission shall not approve a map, and a map shall not be deemed approved, unless:

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

6. If the final map divides the land into 15 lots or less, the governing body or its authorized representative or the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 5.

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

8. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or authorized representative of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 or 2 for action by the governing body or its authorized representative or the planning commission has expired and that the requirements of subsection 5 have been met. A certificate signed pursuant to this paragraph must also indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

9. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

10. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

11. The county recorder shall charge and collect for recording the map a fee of not more than \$35 per page set by the board of county commissioners.

12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents.

**Sec. 22.** NRS 279.685 is hereby amended to read as follows:

279.685 1. Except as otherwise provided in this section, an agency of a city whose population is ~~1200,000~~ **300,000** or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than 15 percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, to increase, improve and preserve the number of dwelling units in the community for low-income households.

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. The agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

**Sec. 23.** 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, 293.1755 or 293C.200.
- (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 the bond within the time prescribed by law.
- (f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be an actual, as opposed to constructive, 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,~~ **15,000**, 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 described in subsection 1, if the incumbent fails or refuses to relinquish his office, the attorney general shall, if the office is a state office or concerns more than one county, or the district attorney shall, if the office 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 that office vacant.

**Sec. 24.** NRS 289.380 is hereby amended to read as follows:

289.380 1. Except as otherwise provided in NRS 289.383, the governing body of a city or county may create a review board by ordinance to advise the governing body on issues concerning peace officers, school police officers, constables and deputies of constables within the city or county.

2. A review board created pursuant to subsection 1 must consist of:
  - (a) In a city *whose population is 150,000 or more* or *a* county whose population is 100,000 or more, 25 members; and
  - (b) In a city *whose population is less than 150,000* or *a* county whose population is less than 100,000, 12 members.
3. Such a review board must be appointed by the governing body from a list of names submitted by interested persons. If an insufficient number of names of interested persons ~~are~~ *is* submitted, the governing body shall appoint the remaining members in the manner it deems appropriate.
4. A person appointed to the review board must:
  - (a) Be a resident of the city or county for which the review board was created, except no member of the review board may be currently employed as a peace officer, school police officer, constable or deputy of a constable.
  - (b) Complete training relating to law enforcement before serving as a member of the review board, including, without limitation, training in the policies and procedures of law enforcement agencies, police of school districts and offices of constables, the provisions of NRS 289.010 to 289.120, inclusive, and the employment contracts of the peace officers, school police officers, constables or deputies of constables.

**Sec. 25.** NRS 293.464 is hereby amended to read as follows:

293.464 1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after he receives notice of the court's decision:

- (a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and
- (b) Transmit a notice of the extended deadline to each registered voter who requested an absent voter's ballot for the election and has not returned the ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

- (a) In a county whose population is ~~30,000~~ *45,000* or more, on at least 3 successive days.
- (b) In a county whose population is less than ~~30,000~~ *45,000*, at least twice in successive issues of the newspaper.

**Sec. 26.** NRS 295.121 is hereby amended to read as follows:

295.121 1. In a county whose population is ~~50,000~~ *100,000* or more, for each initiative, referendum or other question to be placed on the ballot by the board or county clerk, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160, the board shall, in consultation with the county clerk pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 4, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that

committee, but the board must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. Before the board appoints a committee pursuant to ~~subsection 1,~~ *this section*, the county clerk shall:

(a) Recommend to the board persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. If the board of a county whose population is ~~150,000~~ *100,000* or more fails to appoint a committee as required pursuant to this section, the county clerk shall appoint the committee.

6. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question, prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section; and

(f) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d) and (e) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 7.

7. The county clerk of a county whose population is ~~150,000~~ *100,000* or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the county clerk.

8. Upon receipt of an argument or rebuttal prepared pursuant to this section, the county clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the district attorney. The district attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the district attorney shall issue his decision rejecting or accepting the statement. The decision of the district attorney is a final decision for the purposes of judicial review.

9. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 8. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

10. In a county whose population is less than ~~150,000~~ **100,000**:

(a) The board may appoint committees pursuant to this section.

(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 7.

**Sec. 27.** NRS 295.217 is hereby amended to read as follows:

295.217 1. In a city whose population is ~~150,000~~ **60,000** or more, for each initiative, referendum or other question to be placed on the ballot by the council, including, without limitation, pursuant to NRS 293.482 or 295.215, the council shall, in consultation with the city clerk pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 4, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. If the council of a city whose population is ~~150,000~~ 60,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall appoint the committee.

6. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question, prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section; and

(f) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d) and (e) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 7.

7. The city clerk of a city whose population is ~~150,000~~ 60,000 or more shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

8. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the city attorney. The city attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney shall issue his decision rejecting or accepting the statement. The decision of the city attorney is a final decision for the purposes of judicial review.

9. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 8. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

10. In a city whose population is less than ~~150,000~~ 60,000:

(a) The council may appoint committees pursuant to this section.

(b) If the council appoints committees pursuant to this section, the city clerk shall provide for rules or regulations pursuant to subsection 7.

**Sec. 28.** NRS 350.002 is hereby amended to read as follows:

350.002 1. There is hereby created in each county whose population is 400,000 or more, a debt management commission, to be composed of:

(a) Three representatives of the board of county commissioners from its membership;

(b) One representative of each governing body of the five largest incorporated cities in the county from its membership;

(c) One representative of the board of trustees of the county school district from its membership; and

(d) Two representatives of the public at large.

2. There is hereby created in each county whose population is less than 400,000, a debt management commission, to be composed of one representative of the county, one representative of the school district and the following additional representatives:

(a) In each such county which contains more than one incorporated city:

(1) One representative of the city in which the county seat is located;

(2) One representative of the other incorporated cities jointly; and

(3) One representative of the public at large.

(b) In each such county which contains one incorporated city:

(1) One representative of the incorporated city; and

(2) Two representatives of the public at large.

(c) In each such county which contains no incorporated city, one representative of the public at large.

(d) In each such county which contains one or more general improvement districts, one representative of the district or districts jointly and one additional representative of the public at large.

3. In Carson City, there is hereby created a debt management commission, to be composed of one representative of the board of supervisors, one representative of the school district and three representatives of the public at large. The representative of the board of supervisors and the representative of the school district shall select the representatives of the public at large and, for that purpose only, constitute a quorum of the debt management commission. Members of the commission serve for a term of 2 years beginning on January 1, or until their successors are chosen.

4. Except as otherwise provided in subsection 1, each representative of a single local government must be chosen by its governing body. Each representative of two or more local governments must be chosen by their governing bodies jointly, each governing body having one vote. Each representative of the general improvement districts must be chosen by their governing bodies jointly, each governing body having one vote. Each representative of the public at large must be chosen by the other members of the commission from residents of the county, or Carson City, as the case may be, who have a knowledge of its financial structure. A tie vote must be resolved by lot.

5. A person appointed as a member of the commission in a county whose population is ~~150,000~~ 100,000 or more who is not an elected officer or a person appointed to an elective office for an unexpired term must have

at least 5 years of experience in the field of public administration, public accounting or banking.

6. A person appointed as a member of the commission shall not have a substantial financial interest in the ownership or negotiation of securities issued by this state or any of its political subdivisions.

7. Except as otherwise provided in this subsection, members of the commission or their successors must be chosen in January of each odd-numbered year and hold office for a term of 2 years beginning January 1. The representatives of incorporated cities must be chosen after elections are held in the cities, but before the annual meeting of the commission in July. The term of a representative who serves pursuant to paragraph (a), (b) or (c) of subsection 1 is coterminous with the term of his elected office, unless the public entity that appointed him revokes his appointment.

8. Any vacancy must be filled in the same manner as the original choice was made for the remainder of the unexpired term.

**Sec. 29.** NRS 350.0033 is hereby amended to read as follows:

350.0033 1. The commission in a county whose population is less than ~~130,000~~ 45,000 may request technical assistance from the department of taxation to carry out the duties of the commission. Upon such a request, the department of taxation shall provide to that commission such technical assistance to the extent that resources are available.

2. The board of county commissioners of a county whose population is ~~130,000~~ 45,000 or more shall provide the commission in that county with such staff as is necessary to carry out the duties of the commission. The staff provided to the commission pursuant to this subsection shall provide such technical assistance to the commission as the commission requires, except the staff shall not render an opinion on the merits of any proposal or other matter before the commission.

**Sec. 30.** NRS 355.178 is hereby amended to read as follows:

355.178 1. The governing body of a city *whose population is 150,000 or more* or a county whose population is 100,000 or more may lend securities from its investment portfolio if:

(a) The investment portfolio has a value of at least \$100,000,000;

(b) The treasurer of the city or county:

(1) Establishes a policy for investment that includes provisions which set forth the procedures to be used to lend securities pursuant to this section; and

(2) Submits the policy established pursuant to subparagraph (1) to the city or county manager and prepares and submits to the city or county manager a monthly report that sets forth the securities that have been lent pursuant to this section and any other information relating thereto, including, without limitation, the terms of each agreement for the lending of those securities; and

(c) The governing body receives collateral from the borrower in the form of cash or marketable securities that are:

(1) Authorized pursuant to NRS 355.170, if the collateral is in the form of marketable securities; and

(2) At least 102 percent of the value of the securities borrowed.



2. The governing body of a city or consolidated municipality whose population is ~~150,000~~ 60,000 or more but less than ~~1100,000~~ 150,000 may lend securities from its investment portfolio if:

(a) The investment portfolio has a value of at least \$50,000,000;  
(b) The governing body is currently authorized to lend securities pursuant to subsection 5;

(c) The treasurer of the city or consolidated municipality:

(1) Establishes a policy for investment that includes provisions which set forth the procedures to be used to lend securities pursuant to this section; and

(2) Submits the policy established pursuant to subparagraph (1) to the manager of the city or consolidated municipality and prepares and submits to the manager of the city or consolidated municipality a monthly report that sets forth the securities that have been lent pursuant to this section and any other information relating thereto, including, without limitation, the terms of each agreement for the lending of those securities; and

(d) The governing body receives collateral from the borrower in the form of cash or marketable securities that are:

(1) Authorized pursuant to NRS 355.170, if the collateral is in the form of marketable securities; and

(2) At least 102 percent of the value of the securities borrowed.

3. The governing body of a city, county or consolidated municipality may enter into such contracts as are necessary to extend and manage loans pursuant to this section.

4. Any investments made with collateral received pursuant to subsection 1 or 2 must mature not later than 90 days after the date on which the securities are lent.

5. The governing body of a city or consolidated municipality whose population is ~~150,000~~ 60,000 or more but less than ~~1100,000~~ 150,000 shall not lend securities from its investment portfolio unless it has been authorized to do so by the state board of finance. The state board of finance shall adopt regulations that establish minimum standards for granting authorization pursuant to this subsection. Such an authorization is valid for 2 years and may be renewed by the state board of finance for additional 2-year periods.

**Sec. 31.** NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this state may apply to the commission on economic development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 364A or 374 of NRS.

2. The commission on economic development shall approve an application for a partial abatement if the commission makes the following determinations:

(a) The business is consistent with:

(1) The state plan for industrial development and diversification that is developed by the commission pursuant to NRS 231.067; and

(2) Any guidelines adopted pursuant to the state plan.

(b) The applicant has executed an agreement with the commission which states that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in

operation in this state for a period specified by the commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection. The agreement must bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this state or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county *whose population is 100,000 or more* or a city whose population is ~~150,000~~ 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$1,000,000 in this state.

(3) The average hourly wage that will be paid by the new business to its employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this state will meet the minimum requirements for benefits established by the commission by regulation pursuant to subsection 9.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county *whose population is less than 100,000* or a city whose population is less than ~~150,000~~ 60,000, the business meets at least two of the following requirements:

(1) The business will have 25 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$250,000 in this state.

(3) The average hourly wage that will be paid by the new business to its employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this state will meet the minimum requirements for benefits established by the commission by regulation pursuant to subsection 9.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this state in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this state will meet the minimum requirements for benefits established by the commission by regulation pursuant to subsection 9.

3. Notwithstanding the provisions of subsection 2, the commission on economic development may:

(a) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e) or (f) of subsection 2;

(b) Make the requirements set forth in paragraph (d), (e) or (f) of subsection 2 more stringent; or

(c) Add additional requirements that a business must meet to qualify for a partial abatement, if the commission determines that such action is necessary.

4. If a person submits an application to the commission on economic development pursuant to subsection 1, the commission shall provide notice to the governing body of the county and the city or town, if any, in which the person intends to locate or expand a business. The notice required pursuant to this subsection must set forth the date, time and location of the hearing at which the commission will consider the application.

5. If the commission on economic development approves an application for a partial abatement, the commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The department;

(b) The Nevada tax commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the executive director of the commission on economic development, furnish the executive director with copies of all records

necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

the business shall repay to the department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada tax commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.611, 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.611, 354.6113 and 354.6115.

9. The commission on economic development:

(a) Shall adopt regulations relating to:

(1) The minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(2) The notice that must be provided pursuant to subsection 4.

(b) May adopt such other regulations as the commission on economic development determines to be necessary to carry out the provisions of this section.

10. The Nevada tax commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d) or (e) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada tax commission determines to be necessary to carry out the provisions of this section.

11. An applicant for an abatement who is aggrieved by a final decision of the commission on economic development may petition for judicial review in the manner provided in chapter 233B of NRS.

**Sec. 32.** NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this state may, pursuant to NRS 360.750, apply to the commission on economic development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the commission on economic development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county *whose population is 100,000 or more* or a city whose population is ~~150,000~~ *60,000* or more:

(1) The business will make a capital investment in the county of at least \$50,000,000 if the business is an industrial or manufacturing business or at least \$5,000,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county *whose population is less than 100,000* or a city whose population is less than ~~150,000~~ *60,000*:

(1) The business will make a capital investment in the county of at least \$5,000,000 if the business is an industrial or manufacturing business or at least \$500,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this state is at least 100 percent of the average statewide hourly wage as established by the employment security division of the department of employment, training and rehabilitation on July 1 of each fiscal year.

3. If a partial abatement from the taxes imposed by this chapter is approved by the commission on economic development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The executive director of the commission on economic development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the commission granted. The executive director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

**Sec. 33.** NRS 361.340 is hereby amended to read as follows:

361.340 1. Except as otherwise provided in subsection 2, the board of equalization of each county consists of:

(a) Five members, only two of whom may be elected public officers, in counties having a population of ~~110,000~~ *15,000* or more; and

(b) Three members, only one of whom may be an elected public officer, in counties having a population of less than ~~10,000~~ 15,000.

2. The board of county commissioners may by resolution provide for an additional panel of like composition to be added to the board of equalization to serve for a designated fiscal year. The board of county commissioners may also appoint alternate members to either panel.

3. A district attorney, county treasurer or county assessor or any of their deputies or employees may not be appointed to the county board of equalization.

4. The chairman of the board of county commissioners shall nominate persons to serve on the county board of equalization who are sufficiently experienced in business generally to be able to bring knowledge and sound judgment to the deliberations of the board or who are elected public officers. The nominees must be appointed upon a majority vote of the board of county commissioners. The chairman of the board of county commissioners shall designate one of the appointees to serve as chairman of the county board of equalization.

5. Except as otherwise provided in this subsection, the term of each member is 4 years and any vacancy must be filled by appointment for the unexpired term. The term of any elected public officer expires upon the expiration of the term of his elected office.

6. The county clerk or his designated deputy is the clerk of each panel of the county board of equalization.

7. Any member of the county board of equalization may be removed by the board of county commissioners if, in its opinion, the member is guilty of malfeasance in office or neglect of duty.

8. The members of the county board of equalization are entitled to receive per diem allowance and travel expenses as provided for state officers and employees. The board of county commissioners of any county may by resolution provide for compensation to members of the board of equalization in their county who are not elected public officers as they deem adequate for time actually spent on the work of the board of equalization. In no event may the rate of compensation established by a board of county commissioners exceed \$40 per day.

9. A majority of the members of the county board of equalization constitutes a quorum, and a majority of the board determines the action of the board.

10. The county board of equalization of each county shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. Every appeal to the county board of equalization must be filed not later than January 15. Each county board shall cause to be published, in a newspaper of general circulation published in that county, a schedule of dates, times and places of the board meetings at least 5 days before the first meeting. The county board of equalization shall conclude the business of equalization on or before February 28 of each year except as to matters remanded by the state board of equalization. The state board of equalization may establish procedures for the county boards, including setting the period for hearing appeals and for setting aside time to allow the county board to review and make final determinations. The district attorney or his deputy shall be present at all

meetings of the county board of equalization to explain the law and the board's authority.

11. The county assessor or his deputy shall attend all meetings of each panel of the county board of equalization.

**Sec. 34.** NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723 and 450.760, the total ad valorem tax levy for all public purposes must not exceed \$3.64 on each \$100 of assessed valuation, or a lesser or greater amount fixed by the state board of examiners if the state board of examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each \$100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is ~~125,000~~ **40,000** or less, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada tax commission was at least \$3.50 on each \$100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. 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 unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

**Sec. 35.** NRS 371.107 is hereby amended to read as follows:

371.107 The county assessor of each county whose population is ~~135,000~~ **50,000** or more is designated as an agent to assist the department



in administering the exemptions provided in this chapter, and shall, after establishing the validity of an application for an exemption, issue a certificate for use by the department to allow a claimant the appropriate exemption on his vehicle.

**Sec. 36.** NRS 371.125 is hereby amended to read as follows:

371.125 The county assessor of each county whose population is less than ~~135,000~~ 50,000 is designated as agent to assist in the collection of the tax required to be levied under this chapter. The county assessor of each county is designated as agent to assist the department in administering the exemptions provided in this chapter.

**Sec. 37.** NRS 373.028 is hereby amended to read as follows:

373.028 “Project” means:

1. In a county whose population is ~~135,000~~ 50,000 or more, street and highway construction, including, without limitation, the acquisition and improvement of any street, avenue, boulevard, alley, highway or other public right of way used for any vehicular traffic, and including a sidewalk designed primarily for use by pedestrians, and also, including, without limitation, grades, regrades, gravel, oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights of way, driveway approaches, curb cuts, curbs, gutters, culverts, catch basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting equipment, parkways, grade separators, traffic separators, and traffic control equipment, and all appurtenances and incidentals, or any combination thereof, including, without limitation, the acquisition and improvement of all types of property therefor.

2. In a county whose population is less than ~~135,000~~ 50,000, street and highway construction, maintenance or repair, or any combination thereof, including, without limitation, the acquisition, maintenance, repair and improvement of any street, avenue, boulevard, alley, highway or other public right of way used for any vehicular traffic, and including a sidewalk designed primarily for use by pedestrians, and also, including, without limitation, grades, regrades, gravel, oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, pedestrian rights of way, driveway approaches, curb cuts, curbs, gutters, culverts, catch basins, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, sprinkling facilities, artificial lights and lighting equipment, parkways, grade separators, traffic separators, and traffic control equipment, and all appurtenances and incidentals, or any combination thereof, including, without limitation, the acquisition, maintenance, repair and improvement of all types of property therefor.

**Sec. 38.** NRS 379.050 is hereby amended to read as follows:

379.050 1. Whenever a new county library is provided for in any county whose population is ~~125,000~~ 40,000 or more, the trustees of any district library in the county previously established may transfer all books, funds, equipment or other property in the possession of such trustees to the new library upon the demand of the trustees of the new library.

2. Whenever there are two or more county library districts in any county whose population is ~~125,000~~ 40,000 or more, the districts may

merge into one county library district upon approval of the library trustees of the merging districts.

3. Whenever there is a city or a town library located adjacent to a county library district, the city or town library may:

(a) Merge with the county library district upon approval of the trustees of the merging library and district; or

(b) Subject to the limitations in NRS 379.0221, consolidate with the county library district.

4. All expenses incurred in making a transfer or merger must be paid out of the general fund of the new library.

**Sec. 39.** NRS 380.010 is hereby amended to read as follows:

380.010 1. The board of county commissioners of any county may establish by ordinance a law library to be governed and managed by a board of law library trustees in accordance with the provisions of this chapter.

2. The board of county commissioners of any county whose population is less than ~~135,000~~ 50,000 may establish by ordinance a law library to be governed and managed as prescribed by the board of county commissioners of that county. The board of county commissioners of any county whose population is less than ~~135,000~~ 50,000 may exercise or delegate the exercise of any power granted to a board of law library trustees under this chapter.

3. Any law library established pursuant to subsection 2 is subject to the provisions of NRS 380.065, 380.110 and 380.130 to 380.190, inclusive.

**Sec. 40.** NRS 387.331 is hereby amended to read as follows:

387.331 1. The tax on residential construction authorized by this section is a specified amount which must be the same for each:

(a) Lot for a mobile home;

(b) Residential dwelling unit; and

(c) Suite in an apartment house,

imposed on the privilege of constructing apartment houses and residential dwelling units and developing lots for mobile homes.

2. The board of trustees of any school district whose population is less than ~~140,000~~ 50,000 may request that the board of county commissioners of the county in which the school district is located impose a tax on residential construction in the school district to construct, remodel and make additions to school buildings. Whenever the board of trustees takes that action it shall notify the board of county commissioners and shall specify the areas of the county to be served by the buildings to be erected or enlarged.

3. If the board of county commissioners decides that the tax should be imposed, it shall notify the Nevada tax commission. If the commission approves, the board of county commissioners may then impose the tax, whose specified amount must not exceed \$1,600.

4. The board shall collect the tax so imposed, in the areas of the county to which it applies, and may require that administrative costs, not to exceed 1 percent, be paid from the amount collected.

5. The money collected must be deposited with the county treasurer in the school district's fund for capital projects to be held and expended in the same manner as other money deposited in that fund.

**Sec. 41.** NRS 396.892 is hereby amended to read as follows:

396.892 1. Each student who receives a loan made pursuant to NRS 396.890 to 396.898, inclusive, shall repay the loan and accrued interest pursuant to the terms of the loan unless:

(a) He practices nursing in a rural area of Nevada or as an employee of the state for 6 months for each academic year for which he received a loan; or

(b) He practices nursing in any other area of Nevada for 1 year for each academic year for which he received a loan.

2. The board of regents may adopt regulations:

(a) Extending the time for completing the required practice beyond 5 years for persons who are granted extensions because of hardship; and

(b) Granting prorated credit towards repayment of a loan for time a person practices nursing as required, for cases in which the period for required practice is only partially completed, and such other regulations as are necessary to carry out the provisions of NRS 396.890 to 396.898, inclusive.

3. As used in this section, “practices nursing in a rural area” means that the person practices nursing in an area located in a county whose population is less than ~~30,000~~ 45,000 at least half of the total time the person spends in the practice of nursing, and not less than 20 hours per week.

**Sec. 42.** NRS 439B.420 is hereby amended to read as follows:

439B.420 1. A hospital or related entity shall not establish a rental agreement with a physician or entity that employs physicians that requires any portion of his medical practice to be referred to the hospital or related entity.

2. The rent required of a physician or entity which employs physicians by a hospital or related entity must not be less than 75 percent of the rent for comparable office space leased to another physician or other lessee in the building, or in a comparable building owned by the hospital or entity.

3. A hospital or related entity shall not pay any portion of the rent of a physician or entity which employs physicians within facilities not owned or operated by the hospital or related entity, unless the resulting rent is no lower than the highest rent for which the hospital or related entity rents comparable office space to other physicians.

4. A health facility shall not offer any provider of medical care any financial inducement, excluding rental agreements subject to the provisions of subsection 2 or 3, whether in the form of immediate, delayed, direct or indirect payment to induce the referral of a patient or group of patients to the health facility. This subsection does not prohibit bona fide gifts under \$100, or reasonable promotional food or entertainment.

5. The provisions of subsections 1 to 4, inclusive, do not apply to hospitals in a county whose population is less than ~~35,000~~ 50,000.

6. A hospital, if acting as a billing agent for a medical practitioner performing services in the hospital, shall not add any charges to the practitioner’s bill for services other than a charge related to the cost of processing the billing.

7. A hospital or related entity shall not offer any financial inducement to an officer, employee or agent of an insurer, a person acting as an insurer

or self-insurer or a related entity. A person shall not accept such offers. This subsection does not prohibit bona fide gifts of under \$100 in value, or reasonable promotional food or entertainment.

8. A hospital or related entity shall not sell goods or services to a physician unless the costs for such goods and services are at least equal to the cost for which the hospital or related entity pays for the goods and services.

9. Except as otherwise provided in this subsection, a practitioner or health facility shall not refer a patient to a health facility or service in which the referring party has a financial interest unless the referring party first discloses the interest to the patient. This subsection does not apply to practitioners subject to the provisions of NRS 439B.425.

10. The director may, at reasonable intervals, require a hospital or related entity or other party to an agreement to submit copies of operative contracts subject to the provisions of this section after notification by registered mail. The contracts must be submitted within 30 days after receipt of the notice. Contracts submitted pursuant to this subsection are confidential, except in cases in which an action is brought pursuant to subsection 11.

11. A person who willfully violates any provision of this section is liable to the State of Nevada for:

(a) A civil penalty in an amount of not more than \$5,000 per occurrence, or 100 percent of the value of the illegal transaction, whichever is greater.

(b) Any reasonable expenses incurred by the state in enforcing this section.

Any money recovered pursuant to this subsection as a civil penalty must be deposited in a separate account in the state general fund and used for projects intended to benefit the residents of this state with regard to health care. Money in the account may only be withdrawn by act of the legislature.

12. As used in this section, “related entity” means an affiliated person or subsidiary as those terms are defined in NRS 439B.430.

**Sec. 43.** NRS 444A.040 is hereby amended to read as follows:

444A.040 1. The board of county commissioners in a county whose population is ~~more than 100,000,~~ **100,000 or more,** or its designee, shall make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from the residential premises and public buildings where services for the collection of solid waste are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

2. The board of county commissioners of a county whose population is ~~more than 25,000 but not more than 100,000,~~ **40,000 or more but less than 100,000,** or its designee:

(a) May make available for use in that county a program for the separation at the source of recyclable material from other solid waste originating from the residential premises and public buildings where services for the collection of solid waste are provided.

(b) Shall make available for use in that county a program for:

(1) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program established pursuant to paragraph (a).

(2) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

3. The board of county commissioners of a county whose population is ~~{not more than 25,000,}~~ **less than 40,000**, or its designee, may make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from the residential premises and public buildings where services for the collection of solid waste are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

4. Any program made available pursuant to this section:

(a) Must not:

(1) Conflict with the standards adopted by the state environmental commission pursuant to NRS 444A.020; and

(2) Become effective until approved by the department.

(b) May be based on the model plans adopted pursuant to NRS 444A.030.

5. The governing body of a municipality may adopt and carry out within the municipality such programs made available pursuant to this section as are deemed necessary and appropriate for that municipality.

6. Any municipality may, with the approval of the governing body of an adjoining municipality, participate in any program adopted by the adjoining municipality pursuant to subsection 5.

7. Persons residing on an Indian reservation or Indian colony may participate in any program adopted pursuant to subsection 5 by a municipality in which the reservation or colony is located if the governing body of the reservation or colony adopts an ordinance requesting such participation. Upon receipt of such a request, the governing body of the municipality shall make available to the residents of the reservation or colony those programs requested.

**Sec. 44.** NRS 445A.500 is hereby amended to read as follows:

445A.500 1. Each permit issued by the department must ensure compliance with the following factors whenever applicable to the

discharge or the injection of fluids through a well for which the permit is sought:

- (a) Effluent limitations;
- (b) Standards of performance for new sources;
- (c) Standards for pretreatment;
- (d) Standards for injections of fluids through a well; and
- (e) Any more stringent limitations, including any necessary to meet or effectuate standards of water quality, standards of treatment or schedules of compliance developed by the department as part of a continuing planning process or area-wide plan for the management of the treatment of waste under NRS 445A.580 or in furthering the purposes and goals of NRS 445A.300 to 445A.730, inclusive.

2. Each permit must specify average and maximum daily or other appropriate quantitative limitations for the level of pollutants or contaminants in the authorized discharge or injection.

3. If an application is made to discharge from a point source into any waters of this state which flow directly or ultimately into an irrigation reservoir upstream from which are located urban areas in two or more counties and if each county has a population of ~~135,000~~ 50,000 or more, the department must give notice of the application to each city, county, unincorporated town and irrigation district located downstream from the point of discharge. Notice to an unincorporated town must be given to the town board or advisory council if there is one.

**Sec. 45.** NRS 445A.590 is hereby amended to read as follows:

445A.590 1. The department shall notify each interested person and appropriate governmental agency of each complete application for a permit, and shall provide them an opportunity to submit their written views and recommendations thereon. The provisions of this subsection do not apply to an application for a temporary permit issued pursuant to NRS 445A.485.

2. Notification must be in the manner provided in the regulations adopted by the commission pursuant to applicable federal law.

3. If the treatment works are to discharge into any waters of this state which flow directly or ultimately into an irrigation reservoir upstream from which are located urban areas in two or more counties and if each county has a population of ~~135,000~~ 50,000 or more, the department must include in its notification each city, county, unincorporated town and irrigation district located downstream from the point of discharge. Notice to an unincorporated town must be given to the town board or advisory council if there is one.

**Sec. 46.** NRS 449.0177 is hereby amended to read as follows:

449.0177 “Rural hospital” means a hospital with 85 or fewer beds which is:

1. The sole institutional provider of health care located within a county whose population is less than 100,000;

2. The sole institutional provider of health care located within a city whose population is less than ~~120,000~~ 25,000; or

3. Maintained and governed pursuant to NRS 450.550 to 450.750, inclusive.

**Sec. 47.** NRS 459.558 is hereby amended to read as follows:

459.558 1. The provisions of NRS 459.560 and 459.565 that concern hazardous substances do not apply:

- (a) In a county whose population is less than ~~40,000;~~ **50,000;**
- (b) To mining or agricultural activities; or
- (c) To other facilities or locations where the quantity of any one hazardous substance at any one facility or location does not exceed 1,000 kilograms at any time.

2. All other provisions of NRS 459.560 and 459.565, including the provisions concerning hazardous waste, apply to all counties and all industries without regard to volume.

**Sec. 48.** NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the state fire marshal shall enforce all laws and adopt regulations relating to:

- (a) The prevention of fire.
  - (b) The storage and use of:
    - (1) Combustibles, flammables and fireworks; and
    - (2) Explosives in any commercial construction, but not in mining or the control of avalanches,
- under those circumstances that are not otherwise regulated by the division of industrial relations of the department of business and industry pursuant to NRS 618.890.

(c) The safety, access, means and adequacy of exit in case of fire from mental and penal institutions, facilities for the care of children, foster homes, residential facilities for groups, facilities for intermediate care, nursing homes, hospitals, schools, all buildings, except private residences, which are occupied for sleeping purposes, buildings used for public assembly and all other buildings where large numbers of persons work, live or congregate for any purpose. As used in this paragraph, “public assembly” means a building or a portion of a building used for the gathering together of 50 or more persons for purposes of deliberation, education, instruction, worship, entertainment, amusement or awaiting transportation, or the gathering together of 100 or more persons in establishments for drinking or dining.

(d) The suppression and punishment of arson and fraudulent claims or practices in connection with fire losses.

The regulations of the state fire marshal apply throughout the state, but, except with respect to state-owned or state-occupied buildings, his authority to enforce them or conduct investigations under this chapter does not extend to a county whose population is ~~50,000;~~ **100,000** or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction.

2. The state fire marshal may set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this state, including the threads used on fire hose couplings and hydrant fittings.

3. The state fire marshal shall cooperate with the state forester firewarden in the preparation of regulations relating to standards for fire



retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The state fire marshal shall cooperate with the division of child and family services of the department of human resources in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes and group foster homes.

5. The state fire marshal shall coordinate all activities conducted pursuant to 15 U.S.C. §§ 2201 et seq. and receive and distribute money allocated by the United States pursuant to that act.

6. Except as otherwise provided in subsection 10, the state fire marshal shall:

(a) Investigate any fire which occurs in a county other than one whose population is ~~150,000~~ 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature.

(b) Investigate any fire which occurs in a county whose population is ~~150,000~~ 100,000 or more or which has been converted into a consolidated municipality, and from which a death results or which is of a suspicious nature, if requested to do so by the chief officer of the fire department in whose jurisdiction the fire occurs.

(c) Cooperate with the commissioner of insurance, the attorney general and the fraud control unit established pursuant to section 27 of *Assembly Bill No. 135 of this 1st session* in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

(d) Cooperate with any local fire department in the investigation of any report received pursuant to NRS 629.045.

(e) Provide specialized training in investigating the causes of fires if requested to do so by the chief officer of an organized fire department.

7. The state fire marshal shall put the National Fire Incident Reporting System into effect throughout the state and publish at least annually a summary of data collected under the system.

8. The state fire marshal shall provide assistance and materials to local authorities, upon request, for the establishment of programs for public education and other fire prevention activities.

9. The state fire marshal shall:

(a) Assist in checking plans and specifications for construction;

(b) Provide specialized training to local fire departments; and

(c) Assist local governments in drafting regulations and ordinances, on request or as he deems necessary.

10. In a county other than one whose population is ~~150,000~~ 100,000 or more or which has been converted into a consolidated municipality, the state fire marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the state fire marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the state fire marshal shall revoke the agreement.

**Sec. 49.** NRS 477.100 is hereby amended to read as follows:

477.100 As used in NRS 477.110 to 477.170, inclusive, unless the context otherwise requires, “authority” means:

1. The state fire marshal in a county other than one whose population is ~~150,000~~ 100,000 or more or which has been converted into a consolidated municipality;

2. Unless the county has enacted an ordinance designating the persons who constitute the authority, the chief building official and chief officer of the fire service of the jurisdiction in a county whose population is ~~150,000~~ 100,000 or more or which has been converted into a consolidated municipality, and if they are unable to agree on any question, “authority” includes the county manager or city manager, who shall cast the deciding vote on that question; or

3. If the board of county commissioners of a county whose population is ~~150,000~~ 100,000 or more or which has been converted into a consolidated municipality, or the governing body of a city in that county, has specified a person or persons to act as the authority, that person or those persons.

**Sec. 50.** NRS 482.225 is hereby amended to read as follows:

482.225 1. When application is made to the department for registration of a vehicle purchased in this state from a person other than a retailer required to be registered with the department of taxation or of a vehicle purchased outside this state and not previously registered within this state where the registrant or owner at the time of purchase was not a resident of or employed in this state, the department or its agent shall determine and collect any sales or use tax due and shall remit the tax to the department of taxation except as otherwise provided in NRS 482.260.

2. If the registrant or owner of the vehicle was a resident of the state, or employed within the state, at the time of the purchase of that vehicle, it is presumed that the vehicle was purchased for use within the state and the representative or agent of the department of taxation shall collect the tax and remit it to the department of taxation.

3. Until all applicable taxes and fees are collected, the department shall refuse to register the vehicle.

4. In any county whose population is less than ~~135,000~~ 50,000, the department shall designate the county assessor as the agent of the department for the collection of any sales or use tax.

5. If the registrant or owner desires to refute the presumption stated in subsection 2 that he purchased the vehicle for use in this state, he must pay the tax to the department and then may submit his claim for exemption in writing, signed by him or his authorized representative, to the department together with his claim for refund of tax erroneously or illegally collected.

6. If the department finds that the tax has been erroneously or illegally collected, the tax must be refunded.

**Sec. 51.** NRS 483.250 is hereby amended to read as follows:

483.250 The department shall not issue any license under the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

(d) Except as otherwise provided in paragraph (e), a license to a person between the ages of 16 and 18 years who has completed a course:

(1) In automobile driver education pursuant to NRS 389.090; or

(2) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090,

and who has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280. The parent or legal guardian of a person who desires to obtain a license pursuant to this paragraph must sign and submit to the department a form provided by the department which attests that the person who desires a license has completed the training and experience required by this paragraph.

(e) A license to a person who is between the ages of 16 and 18 years if:

(1) The public school in which he is enrolled is located in a county whose population is less than ~~135,000~~ 50,000 or in a city or town whose population is less than 25,000;

(2) The public school does not offer automobile driver education;

(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280; and

(4) His parent or legal guardian signs and submits to the department a form provided by the department which attests that the person who desires a license has completed the experience required by subparagraph (3).

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but, upon good cause shown to the administrator, the department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this state.

8. To any child who is the subject of a court order issued pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.2255, 62.226 or 62.228 which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.

**Sec. 52.** NRS 483.270 is hereby amended to read as follows:

483.270 1. The department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this state in a county whose population is less than ~~35,000~~ **50,000** or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school, and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the department.

(b) Be signed and verified as provided in NRS 483.300.

(c) Contain such other information as may be required by the department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of the speed limit set by law for school buses.

(c) May contain such other restrictions as the department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by him, only while he is going to and from school, members of his immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

**Sec. 53.** NRS 629.045 is hereby amended to read as follows:

629.045 1. Every provider of health care to whom any person comes or is brought for the treatment of:

(a) Second or third degree burns to 5 percent or more of his body;

(b) Burns to his upper respiratory tract or laryngeal edema resulting from the inhalation of heated air; or

(c) Burns which may result in death, shall promptly report that information to the appropriate local fire department.

2. The report required by subsection 1 must include:

- (a) The name and address of the person treated, if known;
- (b) The location of the person treated; and
- (c) The character and extent of his injuries.

3. A person required to make a report pursuant to subsection 1 shall, within 3 working days after treating the person, submit a written report to:

(a) The appropriate local fire department in counties whose population is ~~125,000~~ 40,000 or more; or

(b) The state fire marshal in counties whose population is less than ~~125,000~~ 40,000.

The report must be on a form provided by the state fire marshal.

4. A provider of health care, his agents and employees are immune from any civil action for any disclosures made in good faith in accordance with the provisions of this section or any consequential damages.

**Sec. 54.** NRS 644.217 is hereby amended to read as follows:

644.217 1. The board may issue a certificate of registration as a cosmetologist's apprentice to a person if:

(a) The person is a resident of a county whose population is less than ~~125,000~~ 50,000;

(b) The person is required to travel more than 60 miles from his place of residence to attend a licensed school of cosmetology; and

(c) The training of the person as a cosmetologist's apprentice will be conducted at a licensed cosmetological establishment that is located in such a county.

2. An applicant for a certificate of registration as a cosmetologist's apprentice must submit an application to the board on a form prescribed by the board. The application must be accompanied by a fee of \$100 and must include:

(a) A statement signed by the licensed cosmetologist who will be supervising and training the cosmetologist's apprentice which states that the licensed cosmetologist has been licensed by the board to practice cosmetology in this state for not less than 3 years immediately preceding the date of the application and that his license has been in good standing during that period;

(b) A statement signed by the owner of the licensed cosmetological establishment where the applicant will be trained which states that the owner will permit the applicant to be trained as a cosmetologist's apprentice at the cosmetological establishment; and

(c) Such other information as the board may require by regulation.

3. A certificate of registration as a cosmetologist's apprentice is valid for 2 years after the date on which it is issued and may be renewed by the board upon good cause shown.

**Sec. 55.** NRS 647.060 is hereby amended to read as follows:

647.060 1. At the time of purchase by any junk dealer of any hides or junk, the junk dealer shall require the person vending the hides or junk to subscribe a statement containing the following information:

(a) When, where and from whom the vendor obtained the property.

(b) The vendor's age, residence, including the city or town, and the street and number, if any, of the residence, and such other information as is reasonably necessary to enable the residence to be located.

(c) The name of the employer, if any, of the vendor and the place of business or employment of the employer.

2. Except as otherwise provided in subsection 3, the junk dealer shall on the next business day:

(a) File the original statement subscribed by the vendor in the office of the sheriff of the county where the purchase was made; and

(b) If the purchase was made in a city or town, file a copy of the statement with the chief of police of that city or town.

3. In a county whose population is ~~30,000~~ **45,000** or less, the original statement may be filed in the office of the sheriff's deputy for transmission to the sheriff.

**Sec. 56.** NRS 690B.015 is hereby amended to read as follows:

690B.015 1. The commissioner shall annually conduct a survey of licensed operators of body shops in this state to determine:

(a) The rates charged by such operators for painting and other repairs; and

(b) The difference, if any, between the amount paid by the operators for new and used parts acquired for repairs and the amount charged to customers for those parts.

2. The information obtained by the survey must be compiled in a written report, which must set forth information relating to:

(a) Each county separately whose population is **50,000 or more** ; ~~than 35,000;~~ and

(b) The remaining counties of the state.

The report is a public record for the purposes of NRS 239.010.

**Sec. 57.** NRS 695G.175 is hereby amended to read as follows:

695G.175 1. If a managed care organization contracts for the provision of emergency medical services, outpatient services or inpatient services with a hospital or other licensed health care facility that provides acute care and is located in a city whose population is less than ~~45,000~~ **60,000** or a county whose population is less than 100,000, the managed care organization shall not:

(a) Prohibit an insured from receiving services covered by the health care plan of the insured at that hospital or licensed health care facility if the services are provided by a provider of health care with whom the managed care organization has contracted for the provision of the services;

(b) Refuse to provide coverage for services covered by the health care plan of an insured that are provided to the insured at that hospital or licensed health care facility if the services were provided by a provider of health care with whom the managed care organization has contracted for the provision of the services;

(c) Refuse to pay a provider of health care with whom the managed care organization has contracted for the provision of services for providing services to an insured at that hospital or licensed health care facility if the services are covered by the health care plan of the insured;

(d) Discourage a provider of health care with whom the managed care organization has contracted for the provision of services from providing

services to an insured at that hospital or licensed health care facility that are covered by the health care plan of the insured; or

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care:

(1) To provide services to an insured that are covered by the health care plan of the insured at another hospital or licensed health care facility; or

(2) Not to provide services to an insured at that hospital or licensed health care facility that are covered by the health care plan of the insured.

2. Nothing in this section prohibits a managed care organization from informing an insured that enhanced health care services are available at a hospital or licensed health care facility other than the hospital or licensed health care facility described in subsection 1 with which the managed care organization contracts for the provision of emergency medical services, outpatient services or inpatient services.

**Sec. 58.** NRS 710.147 is hereby amended to read as follows:

710.147 1. The governing body of a county whose population is ~~135,000~~ 50,000 or more:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

2. Any information relating to the study conducted pursuant to subsection 1 must be maintained by the county clerk and made available for public inspection during the business hours of the office of the county clerk.

3. Notwithstanding the provisions of paragraph (a) of subsection 1, an airport may sell telecommunications service to the general public.

4. As used in this section:

(a) “Telecommunications” has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on July 16, 1997.

(b) “Telecommunications service” has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

**Sec. 59.** NRS 711.175 is hereby amended to read as follows:

711.175 Except as otherwise provided in NRS 318.1192, 318.1193 and 318.1194:

1. The governing body of a county whose population is ~~135,000~~ 50,000 or more shall not sell the services of a community antenna television system to the general public.

2. The governing body of a city whose population is 25,000 or more shall not sell the services of a community antenna television system to the general public.



**Sec. 60.** Section 12 of Assembly Bill No. 487 of this session is hereby amended to read as follows:

Sec. 12. 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, 293.1755 or 293C.200.

(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 the bond within the time prescribed by law.

(f) Except as otherwise provided in NRS 266.400, the ceasing of the incumbent to be an actual, as opposed to constructive, 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 15,000, 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.

*(i) A determination pursuant to section 2 or 8 of this act that the incumbent fails to meet any qualification required for the office.*

2. Upon the happening of any of the events described in subsection 1, if the incumbent fails or refuses to relinquish his office, the attorney general shall, if the office is a state office or concerns more than one county, or the district attorney shall, if the office 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 that office vacant.

**Sec. 61.** The legislature declares that in enacting this act it has reviewed each of the classifications by population amended by this act, has considered the suggestions of the several counties and of other interested persons in the state relating to whether any should be retained unchanged or amended differently, and has found that each of the sections in which a criterion of population has been changed should not under present conditions apply to a county larger or smaller, as the case may be, than the new criterion established.

**Sec. 62.** 1. This section and sections 1, 3, 5 to 13, inclusive, 15 to 18, inclusive, 20 and 22 to 61, inclusive, of this act become effective on July 1, 2001.

2. Sections 4, 14, 19 and 21 of this act becomes effective at 12:01 a.m. on July 1, 2001.