

Assembly Bill No. 38–Committee on Judiciary

CHAPTER.....

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

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

**Section 1.** Chapter 16, Statutes of Nevada 2001, at page 355, is hereby amended by adding thereto a new section to be designated as section 31.5, immediately following section 31, to read as follows:

Sec. 31.5. Section 25 of chapter 600, Statutes of Nevada 1999, at page 3272, is hereby amended to read as follows:

Sec. 25. 1. This section and sections 1 to 6, inclusive, 9 to 16, inclusive, 18 to 22, inclusive, and 26 of this act become effective on July 1, 1999.

2. Sections 23 and 24 *of this act* become effective upon passage and approval.

3. Sections 7 and 8 of this act become effective on October 1, 1999.

4. Sections 4 and 16 *of this act* expire by limitation on March 1, 2003.

5. Section 5 *of this act* expires by limitation on September 1, 2003.

~~[6. Section 17 becomes effective on March 1, 2003.]~~

**Sec. 2.** Chapter 33, Statutes of Nevada 2001, at page 383, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. NRS 392.480 is hereby amended to read as follows:

392.480 1. It is unlawful for any person to disturb the peace of any public school by using vile or indecent language within the building or grounds of the school. Any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

2. It is unlawful for any person to assault any pupil or school employee:

(a) Within the building or grounds of the school;

(b) On a bus, van or any other motor vehicle owned, leased or chartered by a school district to transport pupils or school employees; or

(c) At a location where the pupil or school employee is involved in an activity sponsored by a public school.

Except under circumstances described in paragraph (c) *or* (d) of subsection 2 of NRS 200.471 or in NRS 200.571, any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

3. It is unlawful for any person maliciously and purposely in any manner to interfere with or disturb any persons peaceably assembled within a building of a public school for school district purposes. Any person who violates any of the provisions of this subsection is guilty of a misdemeanor.

4. For the purposes of this section "school employee" means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

**Sec. 3.** Section 5 of chapter 42, Statutes of Nevada 2001, at page 402, is hereby amended to read as follows:

Sec. 5. Section 7 of chapter 566, Statutes of Nevada 1993, at page 2328, is hereby amended to read as follows:

Sec. 7. 1. The commission may do all things necessary to establish and maintain a railway, including, without limitation:

(a) Purchasing, leasing or otherwise acquiring right of ways and constructing railways and any facilities or other appurtenances it deems appropriate in connection therewith; and

(b) Operating or granting franchises for the operation of a railroad that carries passengers to locations within the jurisdiction of the commission.

2. In addition to regulation by another agency related to public health and safety that is required by local ordinance or state or federal law, the commission shall regulate all franchises and concessionaires who operate on the right of way or property owned or leased by the commission.

3. A railway acquired, constructed or leased by the commission pursuant to this act is not a street railway for the purposes of chapter 709 of NRS.

4. Notwithstanding any provision of Title 58 of NRS to the contrary, the rates charged by a railroad operated by the commission or pursuant to a franchise or other agreement with the commission, are not subject to

regulation by the public ~~{service}~~ *utilities* commission of Nevada.

**Sec. 4.** Section 1 of chapter 44, Statutes of Nevada 2001, at page 404, is hereby amended to read as follows:

Section 1. Notwithstanding the provisions of NRS 354.723, chapter 265, Statutes of Nevada 1971, at page 384, ~~{and all amendments made thereto, is}~~ *sections 10 and 11 of chapter 669, Statutes of Nevada 1971, at page 2052, section 5 of chapter 34, Statutes of Nevada 1973, at page 34, sections 6 and 7 of chapter 306, Statutes of Nevada 1973, at page 379, section 27 of chapter 344, Statutes of Nevada 1973, at page 429, section 8.7 of chapter 98, Statutes of Nevada 1977, at page 205, sections 61 and 62 of chapter 482, Statutes of Nevada 1981, at pages 971 and 972, respectively, section 11 of chapter 160, Statutes of Nevada 1983, at page 369, section 10 of chapter 361, Statutes of Nevada 1983, at page 873, section 10 of chapter 208, Statutes of Nevada 1985, at page 674, chapter 356, Statutes of Nevada 1989, at page 735, section 5 of chapter 854, Statutes of Nevada 1989, at page 2060, section 8 of chapter 515, Statutes of Nevada 1997, at page 2450, and section 17 of chapter 391, Statutes of Nevada 1999, at page 1861, are hereby repealed.*

**Sec. 5.** Section 18 of chapter 51, Statutes of Nevada 2001, at page 452, is hereby amended to read as follows:

Sec. 18. Section 2.110 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 160, Statutes of Nevada 1983, at page 368, is hereby amended to read as follows:

Sec. 2.110 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be read to the ~~{board of supervisors}~~ *city council* by title and may be referred to a committee for consideration, after which an adequate number of copies of the proposed ordinance must be filed with the city clerk for public distribution. Except as otherwise provided in subsection 3, notice of the filing must be published once in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, and published in the city at least 10 days before the adoption of the ordinance. The ~~{board of supervisors}~~ *city council* shall adopt or reject the ordinance or an amendment thereto, within 30 days after the date of publication.

2. At the next regular meeting or adjourned meeting of the ~~{board of supervisors}~~ *city council* following the

proposal of an ordinance, the ordinance must be considered again with the report of the committee, if any. Thereafter, it must be read as first introduced, or as amended, and thereupon the proposed ordinance must be finally voted upon or action thereon postponed.

3. In cases of emergency, ~~{or where the ordinance is of a kind specified in section 7.020,}~~ by unanimous consent of the ~~{board of supervisors,}~~ **city council**, final action may be taken immediately or at a special meeting called for that purpose, and no notice of the filing of the copies of the proposed ordinance with the city clerk need be published.

4. All ordinances must be signed by the mayor, attested by the city clerk and published by title, together with the names of the ~~{supervisors}~~ **members of the city council** voting for or against passage, in a newspaper qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, and published in the city for at least one publication, before the ordinance becomes effective. The ~~{board of supervisors}~~ **city council** may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The city clerk shall ~~{record}~~ **keep on file** all ordinances ~~{in a book kept for that purpose, together with}~~ **, including** the affidavits of publication by the publisher.

**Sec. 6.** Sections 7 and 8 of chapter 69, Statutes of Nevada 2001, at page 498, are hereby amended to read respectively as follows:

Sec. 7. *The board shall prepare and adopt a code of conduct for holders of certificates of registration and holders of a certificate to practice as a landscape architect intern. The code must ensure the maintenance of a high standard of integrity, dignity and professional responsibility by members of the profession. Before adopting the code, the board shall send a copy of the proposed code to each holder of a certificate of registration and holder of a certificate to practice as a landscape architect intern. Each holder of a certificate of registration and holder of a certificate to practice as a landscape architect intern may vote on any provision included in the code. The board may adopt each provision in the code unless 25 percent or more of the holders of certificates of registration vote against that provision.*

Sec. 8. *The board shall prepare and maintain a record of each certificate of registration and certificate to practice as a landscape architect intern. The record must include,*

*without limitation, the name of the holder of the certificate of registration or the certificate to practice as a landscape architect intern, the address at which he resides and the number of his certificate of registration or certificate to practice as a landscape architect intern. The board shall make the record available:*

*1. For inspection by each holder of a certificate of registration or certificate to practice as a landscape architect intern in a manner prescribed by the board; and*

*2. For sale to a member of the general public who is not a holder of a certificate of registration or certificate to practice as a landscape architect intern.*

**Sec. 7.** 1. Sections 1 and 3 of chapter 88, Statutes of Nevada 2001, at pages 558 and 560, respectively, are hereby amended to read respectively as follows:

Section 1. Chapter 705 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The commission, or a corporation formed by the commission pursuant to the laws of this state or the state of California, as the commission deems appropriate, may issue bonds, notes, obligations or other evidences of borrowing to finance all or a part of the construction of all or a part of the super speed ground transportation system. For purposes of issuing bonds, notes, obligations or other evidences of borrowing pursuant to this section, the commission and any corporation formed by the commission are constituted authorities for the purposes of regulations enacted by the Internal Revenue Service pursuant to 26 U.S.C. §§ 103 and 141 to 150, inclusive.*

*2. Bonds, notes, obligations or other evidences of borrowing issued by the commission or any corporation formed by the commission which are issued to finance all or any part of the construction of all or a part of the super speed ground transportation system may be payable from and secured by:*

*(a) A pledge of property of the commission or a corporation formed by the commission pursuant to this section;*

*(b) A pledge of any revenue of the super speed ground transportation system, including revenue from fares, revenue from advertising and all other revenue of the system; and*

*(c) a pledge of any other money made available to the commission or a corporation formed by the commission pursuant to this section by:*

*(1) Grants from the Federal Government or any other federal funds as may be available to pay costs of the super speed ground transportation system or debt service on any borrowing;*

*(2) Any company, public or private; or*

*(3) Any local government or governmental entity in this state or in the State of California pursuant to an intergovernmental agreement or otherwise.*

*3. The commission may enter into agreements with any person, local government or governmental entity for the provision of resources or assistance to the commission or a corporation formed by the commission concerning the financing of the super speed ground transportation system.*

*4. The commission or any corporation formed by the commission pursuant to this section may issue obligations to refund any obligations issued pursuant to the provisions of this section and NRS 705.4291 to 705.4296, inclusive, for any purpose the commission determines to be sufficient.*

*5. Nothing in this section authorizes the commission or any corporation formed by the commission to obligate this state or the State of California or any political subdivision thereof unless such state or political subdivision has obligated itself to the commission or a corporation created by the commission through an intergovernmental agreement.*

*6. Unless a specific statute of this state or the State of California requires otherwise, upon dissolution of the commission, all property of the commission must be distributed between this state and the State of California in an equitable manner as agreed upon by the states.*

*7. The creation, perfection, priority and enforcement of any lien on pledged revenue or other money established to secure any bond, note, obligation or other evidence of borrowing issued pursuant to this section, must be as specified in this section and in the instruments approved by the commission pertaining to that bond, note, obligation or other evidence of borrowing. It is the purpose of this section to provide expressly for the creation, perfection, priority and enforcement of a security interest created by the commission in pledged revenues or other money in connection with bonds, notes, obligations or other evidences of borrowing issued pursuant to this section, as provided for in paragraph (n) of subsection 4 of NRS 104.9109. Any lien on pledged revenue or other money created to secure any bond, note, obligation or other evidence of borrowing issued pursuant to this section has priority over any lien thereon created*

*pursuant to the provisions of chapter 104 of NRS unless otherwise provided in the instrument creating the lien to secure such bond, note, obligation or other evidence of borrowing issued pursuant to the provisions of this section.*

Sec. 3. Section 7 of chapter 568, Statutes of Nevada 1987, at page 1359, as amended by section 4 of chapter 106, Statutes of Nevada 1991, at page 177, is hereby amended to read as follows:

Sec. 7. ~~[1.]~~ This act becomes effective on January 1, 1988.

~~[2.— This act expires by limitation 1 year after the date on which the governor declares by public proclamation that the super speed ground transportation system connecting southern California with southern Nevada has been completed.]~~

2. Chapter 88, Statutes of Nevada 2001, at page 560, is hereby amended by adding thereto new sections to be designated as sections 3.3 and 3.5, immediately following section 3, to read respectively as follows:

Sec. 3.3. Section 5 of chapter 106, Statutes of Nevada 1991, at page 177, is hereby repealed.

Sec. 3.5. NRS 705.4291, 705.4292, 705.4293, 705.4294, 705.4295 and 705.4296 expire by limitation:

1. One year after the date on which the governor declares by public proclamation that the super speed ground transportation system connecting southern California with southern Nevada has been completed; or

2. On the date all borrowing made pursuant to section 1 of this act is retired,  
whichever is later.

**Sec. 8.** Sections 1 and 5 of chapter 99, Statutes of Nevada 2001, at pages 583 and 586, respectively, are hereby amended to read respectively as follows:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in this subsection, the department, in cooperation with the Northern Nevada Railway Foundation or its successor, shall design, prepare and issue license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad using any colors that the department deems appropriate. The design of the license plates must include a depiction of a locomotive of the Virginia & Truckee Railroad and the phrase "The Virginia & Truckee Lives." The department shall not design, prepare*

*or issue the license plates unless it receives at least 250 applications for the issuance of those plates.*

*2. If the department receives at least 250 applications for the issuance of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad, the department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad pursuant to subsections 3 and 4.*

*3. The fee for license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.*

*4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be distributed pursuant to subsection 5.*

*5. The department shall transmit the fees collected pursuant to subsection 4 to the treasurer with whom the Nevada Commission for the reconstruction of the V & T Railway of Carson City and Douglas, Lyon, Storey and Washoe counties has entered into an agreement as required by subsection 2 of section 8 of chapter 566, Statutes of Nevada 1993, for deposit in the fund created pursuant to that section. The fees transmitted pursuant to this subsection must be used only for the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad.*

6. *If, during a registration year, the holder of license plates issued pursuant to the provisions of subsections 1 to 6, inclusive, disposes of the vehicle to which the plates are affixed, the holder shall:*

*(a) Retain the plates and affix them to another vehicle that meets the requirements of subsections 1 to 6, inclusive, if the transfer and registration fees are paid as set out in this chapter; or*

*(b) Within 30 days after removing the plates from the vehicle, return them to the department.*

7. *Except as otherwise provided in this subsection, the director shall, at the request of the Northern Nevada Railway Foundation or its successor:*

*(a) Order the design and preparation of souvenir license plates that indicate support for the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad; and*

*(b) Issue such souvenir license plates only to the Northern Nevada Railway Foundation or its successor for a fee established pursuant to NRS 482.3825. The Northern Nevada Railway Foundation or its successor may resell such souvenir license plates at a price determined by the Foundation or its successor.*

*The director shall not order the design or preparation of souvenir license plates pursuant to this subsection unless the department has received at least 250 applications for the issuance of license plates for the support of the reconstruction, maintenance, improvement and promotion of the Virginia & Truckee Railroad pursuant to subsections 1 to 6, inclusive.*

Sec. 5. Section 8 of chapter 566, Statutes of Nevada 1993, *as amended by chapter 42, Statutes of Nevada 2001*, at page ~~2329,~~ 402, is hereby amended to read as follows:

Sec. 8. 1. The commission may enter into an agreement with the district attorney of Carson City or Douglas, Lyon, Storey or Washoe County, or any combination thereof, to provide legal services to the commission. The commission may authorize payment to the district attorney for the costs to the district attorney for providing those services.

2. The commission shall enter into an agreement with the treasurer of Carson City or Douglas, Lyon, Storey or Washoe County to create a fund for the commission and pay all claims against the fund that are properly approved by the commission. The commission may authorize

payment to the treasurer for the costs to the treasurer for providing those services.

3. All money received by the commission must be deposited in the fund created pursuant to subsection 2. ~~[(The)]~~ *Except as otherwise provided in section 1 of Senate Bill No. 77 of the 2001 legislative session, the* money in the fund must be used only for the necessary expenses of the commission and the costs of the projects authorized by this act.

**Sec. 9.** 1. Section 1 of chapter 109, Statutes of Nevada 2001, at page 612, is hereby amended to read as follows:

Section 1. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person *who is a resident of this state* may apply to the sheriff of the county in which he resides for a permit on a form prescribed by regulation of the department. *Any person who is not a resident of this state may apply to the sheriff of any county in this state for a permit on a form prescribed by regulation of the department.* Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for no more than two specific firearms to any person who is qualified to possess a firearm under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) ~~[(Is a resident of this state);~~

~~—(b)]~~ Is 21 years of age or older;

~~[(e)]~~ (b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

~~[(d)]~~ (c) Demonstrates competence with a firearm by presenting a certificate or other documentation to the sheriff which shows that he:

(1) Successfully completed a course in firearm safety approved by a sheriff in this state; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

Such a course must include instruction in the use of each firearm to which the application pertains and in the laws of this state relating to the ~~[(proper)]~~ use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs and

Chiefs Association or, if the Nevada Sheriffs and Chiefs Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:

(a) Has an outstanding warrant for his arrest.  
(b) Has been judicially declared incompetent or insane.  
(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, he has been:

(1) Convicted of violating the provisions of NRS 484.379; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this state or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this state or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this state or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for his conviction of a felony; or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts

based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) ~~The~~ ***If the applicant is a resident of this state, the driver's license number or identification card number of the applicant issued by the department of motor vehicles;***

(e) ***If the applicant is not a resident of this state, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;***

(f) The make, model and caliber of each firearm to which the application pertains;

~~(f)~~ (g) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and

~~(g)~~ (h) A nonrefundable fee set by the sheriff not to exceed \$60.

2. Chapter 109, Statutes of Nevada 2001, at page 615, is hereby amended by adding thereto a new section to be designated as section 4, immediately following section 3, to read as follows:

Sec. 4. Section 1 of chapter 111, Statutes of Nevada 2001, at page 618, is hereby amended to read as follows:

Section 1. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this state may apply to the sheriff of the county in which he resides for a permit on a form prescribed by regulation of the department. Any person who is not a resident of this state may apply to the sheriff of any county in this state for a permit on a form prescribed by regulation of the department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for ~~no more than two~~ *one or more* specific firearms to any person who is qualified to possess ~~a~~ *each* firearm under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with ~~a~~ *each* firearm by presenting a certificate or other documentation to the sheriff which shows that he:

(1) Successfully completed a course in firearm safety approved by a sheriff in this state; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

Such a course must include instruction in the use of each firearm to which the application pertains and in the laws of this state relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs and Chiefs Association or, if the Nevada Sheriffs and Chiefs Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:

(a) Has an outstanding warrant for his arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, he has been:

(1) Convicted of violating the provisions of NRS 484.379; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this state or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this state or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this state or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for his conviction of a felony; or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3

which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States , or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant , and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) If the applicant is a resident of this state, the driver's license number or identification card number of the applicant issued by the department of motor vehicles;

(e) If the applicant is not a resident of this state, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) The make, model and caliber of each firearm to which the application pertains;

(g) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and

(h) A nonrefundable fee set by the sheriff not to exceed \$60.

**Sec. 10.** Section 2 of chapter 111, Statutes of Nevada 2001, at page 620, is hereby amended to read as follows:

Sec. 2. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, the sheriff shall conduct an investigation of the applicant to determine if he is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the central repository for Nevada records of criminal history and the Federal Bureau of Investigation for a report concerning the criminal history of the applicant. The sheriff shall issue a permit to the applicant unless he is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting his investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

|   |                     |
|---|---------------------|
| County.....   | Permit Number ..... |
| Expires .....   | Date of Birth.....  |
| Height.....   | Weight .....        |
| Name.....   | Address.....        |
| City.....   | Zip .....           |
|   | Photograph          |
| Signature .....   |                     |
| Issued by .....   |                     |
| Date of Issue .....   |                     |
| Make, model and caliber of <b>[firearm]</b> <i>each</i> authorized <i>firearm</i> ..... |                     |

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires:

(a) If the permittee was a resident of this state at the time the permit was issued, on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal.

(b) If the permittee was not a resident of this state at the time the permit was issued, on the third anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal.

5. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of NRS 202.3653 to 202.369, inclusive, his date of birth shall be deemed to be on February 28.

**Sec. 11.** Sections 3, 4, 16, 19 and 27 of chapter 115, Statutes of Nevada 2001, at pages 625, 629 and 631, are hereby amended to read respectively as follows:

Sec. 3. NRS 266.055 is hereby amended to read as follows:

266.055 Municipal corporations organized ~~under~~ *pursuant to* the provisions of this chapter must be divided into three ~~classes~~ *population categories*:

1. Those cities having 50,000 or more inhabitants are cities of ~~the first class~~ *population category one*.

2. Those cities having 5,000 or more but less than 50,000 inhabitants are cities of ~~the second class~~ *population category two*.

3. Those cities having less than 5,000 inhabitants are cities of ~~the third class~~ *population category three*.

Sec. 4. NRS 266.060 is hereby amended to read as follows:

266.060 1. Whenever any city of ~~the second class~~ *population category two* attains the population of 50,000 or more, or any city of ~~the third class~~ *population category three* attains the population of 5,000 or more, and that fact is ascertained:

(a) By actual census taken and certified to the governor by the mayor; or

(b) At the option of the city council, by the governor, pursuant to NRS 360.285, for 2 consecutive years, the governor shall declare, by public proclamation, that city to be of ~~the first or second class~~ *population category one or two*, and the city thus changed is governed by the provisions of this chapter applicable to cities of the higher ~~class~~ *population category*.

2. An authenticated copy of the governor's proclamation must be filed in the office of the secretary of state.

Sec. 16. NRS 266.235 is hereby amended to read as follows:

266.235 Except as otherwise provided in section 1 of ~~[[this act.]]~~ *Senate Bill No. 329 of this session*, a majority of all members of the *city* council ~~[[shall constitute]]~~ *constitutes* a quorum to do business, but ~~[[a less number]]~~ *fewer members* may meet and adjourn from time to time and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

Sec. 19. NRS 266.250 is hereby amended to read as follows:

266.250 1. The ~~[[council's]]~~ deliberations, sessions and proceedings *of the city council* must be public.

2. The *city* council shall keep ~~[[a journal]]~~ *written minutes* of its own proceedings ~~[[as required pursuant to NRS 241.035.]]~~ The yeas and nays must be taken upon the passage of all ordinances, and all propositions to create any liability against the city, or to grant, deny, increase, decrease, abolish or revoke licenses, and in all other cases at the request of any member *of the city council* or of the mayor, which yeas and nays must be entered ~~[[upon the journal]]~~ *in the minutes* of its proceedings.

3. The affirmative vote of a majority of all the members elected to the city council is necessary to pass any such ordinance or proposition.

Sec. 27. NRS 266.450 is hereby amended to read as follows:

266.450 All *elected* officers of any city are entitled to receive such compensation as may be fixed by ordinance, but, except as otherwise provided in NRS 266.041, the compensation of any ~~[[such officers may]]~~ *elected officers must* not be increased or diminished to take effect during the ~~[[time]]~~ *term* for which the officer was elected. ~~[[or appointed.]]~~ *All appointed officers are entitled to receive such compensation as may be fixed by ordinance.*

**Sec. 12.** Section 1 of chapter 128, Statutes of Nevada 2001, at page 684, is hereby amended to read as follows:

Section 1. Chapter 19 of NRS is hereby amended by adding thereto a new section to read as follows:

*If the agency which provides child welfare services, or a child-placing agency licensed by the division of child and family services of the department of human resources pursuant to chapter 127 of NRS, consents to the adoption of a child with special needs pursuant to NRS 127.186, a*

*county clerk shall reduce the total filing fee to not more than \$1 for filing the petition to adopt such a child.*

**Sec. 13.** Chapter 140, Statutes of Nevada 2001, at page 736, is hereby amended by adding thereto new sections to be designated as sections 27.1 and 27.2, immediately following section 27, to read respectively as follows:

Sec. 27.1. Section 60 of chapter 456, Statutes of Nevada 2001, at page 2338, is hereby amended to read as follows:

Sec. 60. 1. This section and sections 48 and 59.5 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 32, inclusive, 34, 35, 49 to 52, inclusive, and 55 to 59, inclusive, of this act become effective on July 1, 2001.

3. Sections 36, 38, 39, 40, 43, 44, 47, 53 and 54 of this act become effective at 12:01 a.m. on July 1, 2001.

4. Sections ~~23,~~ 33, 37 and 45 of this act become effective at 12:02 a.m. on July 1, 2001.

5. Section 48 of this act expires by limitation on July 1, 2003.

Sec. 27.2. Section 23 of chapter 456, Statutes of Nevada 2001, at page 2315, is hereby repealed.

**Sec. 14.** Section 94 of chapter 152, Statutes of Nevada 2001, at page 799, is hereby amended to read as follows:

Sec. 94. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 90, inclusive, subsection 1 of section 91 and sections 92, 93 and 95 of this act become effective upon passage and approval for the purpose of adopting regulations and taking such other actions as necessary to regulate practitioners of respiratory care, and on July 1, 2001, for all other purposes.

3. Subsection 2 of section 91 of this act becomes effective at 12:01 a.m. on July 1, 2001.

4. The amendatory provisions of sections 8, 19 ~~24, 26~~ and 41 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,  
are repealed by the Congress of the United States.

**Sec. 15.** Sections 1 and 4 of chapter 172, Statutes of Nevada 2001, at pages 853 and 854, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 366.110 is hereby amended to read as follows:

366.110 The department:

1. Shall enforce the provisions of this chapter.
2. May adopt and enforce regulations relating to the administration and enforcement of this chapter.
3. *Shall, by regulation, define "incidentally operated or moved upon a highway" for the purpose of NRS 366.085.*
4. May determine whether any particular vehicle not specified in NRS 366.085 is special mobile equipment.

Sec. 4. *1. This section and sections 2 and 3 of this act* ~~becomes~~ *become* effective on July 1, 2001.

*2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

**Sec. 16.** Section 4 of chapter 183, Statutes of Nevada 2001, at page 895, is hereby amended to read as follows:

Sec. 4. Section 2.050 of the charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, *as amended by chapter 255, Statutes of Nevada 2001*, at page ~~460.~~ *1132*, is hereby amended to read as follows:

Sec. 2.050 Meetings: Quorum.

1. The board of councilmen shall hold at least one regular meeting each month, and by ~~ordinance~~ *resolution* may provide for additional regular meetings.

2. Except as otherwise provided in section 1 of ~~this act.~~ *Senate Bill No. 329 of this session*, a majority of all members of the board of councilmen constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent members.

3. Except as otherwise provided by law, all sessions and ~~all~~ proceedings of the board of councilmen must be public.

**Sec. 17.** Section 10 of chapter 185, Statutes of Nevada 2001, at page 904, is hereby amended to read as follows:

Sec. 10. NRS 459.742 is hereby amended to read as follows:

459.742 The commission, in carrying out its duties and within the limits of legislative appropriations and other available money, may:

1. Enter into contracts, leases or other agreements or transactions;

2. Provide grants of money to local emergency planning committees to improve their ability to respond to emergencies involving hazardous materials;

3. Assist with the development of comprehensive plans for responding to such emergencies in this state;

4. Provide technical assistance and administrative support to the telecommunications unit of the communication and computing division of the department of information technology for the development of systems for communication during such emergencies;

5. Provide technical and administrative support and assistance for training programs;

6. Develop a system to provide public access to data relating to hazardous materials;

7. Support any activity or program eligible to receive money from the contingency account for hazardous materials;

8. Adopt regulations setting forth the manner in which the division of emergency management of the department ~~of public safety~~ shall:

(a) Allocate money received by the division which relates to hazardous materials or is received pursuant to ~~Public Law 99-499 or Title I of Public Law 93-633;~~ *42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq.*; and

(b) Approve programs developed to address planning for and responding to emergencies involving hazardous materials; and

9. Coordinate the activities administered by state agencies to carry out the provisions of this chapter, ~~Public Law 99-499 and Title I of Public Law 93-633;~~ *42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et seq.*

**Sec. 18.** Section 1 of chapter 223, Statutes of Nevada 2001, at page 1001, is hereby amended to read as follows:

Sec. 1. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the department and the amount credited to the department pursuant to subsection 6 of NRS 482.180, the department shall certify monthly to the state board of examiners the amount of the basic and supplemental governmental services taxes collected for each county by the department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

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

3. The distribution of the basic governmental services tax received or collected for each county must be made to the county school district within each county before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the county school district, the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if, *in any fiscal year*, the *sum of the* rate attributable to a district's debt service in ~~any~~ *that* fiscal year *and any rate levied for capital projects pursuant to NRS 387.3285 in that fiscal year* is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the local government tax distribution account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the fiscal year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The department shall make distributions of the basic governmental services tax directly to county school districts.

7. As used in this section:

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

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

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

|                              |                           |
|------------------------------|---------------------------|
| Carson City ... 1.07 percent | Lincoln .....3.12 percent |
| Churchill .....5.21 percent  | Lyon .....2.90 percent    |
| Clark.....22.54 percent      | Mineral .....2.40 percent |
| Douglas .....2.52 percent    | Nye .....4.09 percent     |
| Elko .....13.31 percent      | Pershing.....7.00 percent |
| Esmeralda.....2.52 percent   | Storey ..... .19 percent  |
| Eureka .....3.10 percent     | Washoe.... 12.24 percent  |
| Humboldt .....8.25 percent   | White Pine .5.66 percent  |
| Lander .....3.88 percent     |                           |

(2) For all other basic and supplemental governmental services tax received or collected by the department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

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

**Sec. 19.** 1. Section 4 of chapter 224, Statutes of Nevada 2001, at page 1004, is hereby amended to read as follows:

Sec. 4. **1.** This *section and section 2.5 of this act become effective on June 30, 2001.*

**2.** *Sections 1, 2 and 3 of this act [becomes] become effective on July 1, 2001.*

2. Chapter 224, Statutes of Nevada 2001, at page 1003, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. Section 8 of chapter 307, Statutes of Nevada 2001, at page 1441, is hereby repealed.

**Sec. 20.** Sections 47 and 52 of chapter 236, Statutes of Nevada 2001, at pages 1068 and 1070, respectively, are hereby amended to read respectively as follows:

Sec. 47. NRS 639.2328 is hereby amended to read as follows:

639.2328 1. Every pharmacy located outside Nevada that provides mail order service to or solicits or advertises for orders for drugs available with a prescription from a resident of Nevada must be licensed by the board.

2. To be licensed or to renew a license, such a pharmacy must:

(a) Be licensed as a pharmacy, or the equivalent, by the state or country in which its dispensing facilities are located.

(b) Comply with all applicable federal laws, regulations and standards.

(c) Submit an application in the form furnished by the board.

(d) Provide the following information to the board:

(1) The name and address of the owner;

- (2) The location of the pharmacy;
- (3) The name of the pharmacist who is the managing pharmacist; and
- (4) Any other information the board deems necessary.
- (e) Pay the fee required by regulation of the board.
- (f) Submit evidence satisfactory to the board that the facility, records and operation of the pharmacy comply with the laws and regulations of the state or country in which the pharmacy is located.
- (g) Submit certification satisfactory to the board that the pharmacy complies with all lawful requests and directions from the regulatory board or licensing authority of the state or country in which the pharmacy is located relating to the shipment, mailing or delivery of drugs.

*(h) Be certified by the board pursuant to section 43 of this act if the pharmacy operates an Internet pharmacy.*

3. In addition to the requirements of subsection 2, the board may require such a pharmacy to be inspected by the board.

Sec. 52. 1. This section and ~~sections~~ *section 50 of this act become effective on June 30, 2001.*

2. *Sections* 1 to 28, inclusive, ~~and~~ 30 to ~~51,~~ 46, inclusive, *48, 49 and 51* of this act become effective on July 1, 2001.

~~2.—Section~~

3. *Sections* 29 *and* 47 of this act ~~becomes~~ *become* effective at 12:01 a.m. on July 1, 2001.

**Sec. 21.** Section 7 of chapter 240, Statutes of Nevada 2001, at page 1079, is hereby amended to read as follows:

Sec. 7. NRS 353.264 is hereby amended to read as follows:

353.264 1. The reserve for statutory contingency account is hereby created in the state general fund.

2. The state board of examiners shall administer the reserve for statutory contingency account . ~~[, and the]~~ *The* money in the account must be expended only for:

(a) The payment of claims which are obligations of the state pursuant to NRS 41.03435, 41.0347, 176.485, 179.310, 212.040, 212.050, 212.070, 214.040, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235;

(b) The payment of claims which are obligations of the state pursuant to:

(1) Chapter 472 of NRS arising from operations of the division of forestry of the state department of conservation

and natural resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225, 213.153 and 293B.210,

~~but the claims must~~ *except that claims may* be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the state pursuant to nrs 41.0349 and 41.037, but only to the extent that the money in the fund for insurance premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the state pursuant to nrs 535.030 arising from remedial actions taken by the state engineer when the condition of a dam becomes dangerous to the safety of life or property.

*3. The state board of examiners may authorize its clerk, under such circumstances as it deems appropriate, to approve, on behalf of the board, the payment of claims from the reserve for statutory contingency account. For the purpose of exercising any authority granted to the clerk of the state board of examiners pursuant to this subsection, any statutory reference to the state board of examiners relating to such a claim shall be deemed to refer to the clerk of the board.*

**Sec. 22.** Sections 1 and 3 of chapter 252, Statutes of Nevada 2001, at pages 1118 and 1120, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 361.244 is hereby amended to read as follows:

361.244 1. A mobile or manufactured home is eligible to become real property if it becomes permanently affixed to land which is owned by the owner of the mobile or manufactured home.

2. A mobile or manufactured home becomes real property when the assessor of the county in which the mobile or manufactured home is located has placed it on the tax roll as real property. ~~The~~ *Except as otherwise provided in subsection 5, the* assessor shall not place a mobile or manufactured home on the tax roll until:

(a) He has received verification from the manufactured housing division of the department of business and industry that the mobile or manufactured home has been converted to real property;

(b) The unsecured personal property tax has been paid in full for the current fiscal year;

(c) An affidavit of conversion of the mobile or manufactured home from personal to real property has been recorded in the county recorder's office of the county in which the mobile or manufactured home is located; and

(d) The dealer or owner has delivered to the division a copy of the recorded affidavit of conversion and all documents relating to the mobile or manufactured home in its former condition as personal property.

3. A mobile or manufactured home which is converted to real property pursuant to this section shall be deemed to be a fixture and an improvement to the real property to which it is affixed.

4. Factory-built housing, as defined in NRS 461.080, constitutes real property if it becomes, on or after July 1, 1979, permanently affixed to land which is owned by the owner of the factory-built housing.

~~5. [A manufactured home, as defined in NRS 489.113, constitutes real property if it becomes, on or after January 1, 2000, permanently affixed to land which is owned by the owner of the manufactured home.~~

~~6.] *The assessor of the county in which a manufactured home is located shall, without regard to the conditions set forth in subsection 2, place the manufactured home on the tax roll as real property if, on or after July 1, 2001, the manufactured home is permanently affixed to a residential lot pursuant to an ordinance required by NRS 278.02095.*~~

~~6. *The provisions of subsection 5 do not apply to a manufactured home located in:*~~

~~(a) *An area designated by local ordinance for the placement of a manufactured home without conversion to real property;*~~

~~(b) *A mobile home park; or*~~

~~(c) *Any other area to which the provisions of NRS 278.02095 do not apply.*~~

7. For the purposes of this section, "land which is owned" includes land for which the owner has a possessory interest resulting from a life estate, lease or contract for sale.

Sec. 3. ~~1. This section and section 2 of this act [becomes] become~~ effective on July 1, 2001.

~~2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 2001.~~

**Sec. 23.** Sections 1, 3 and 4 of chapter 258, Statutes of Nevada 2001, at pages 1138, 1140 and 1142, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who ~~is~~

~~(a) Willfully~~ *willfully* causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect ~~is~~ ~~or~~

~~(b) Is~~ :

*(a) If substantial bodily or mental harm results to the child:*

*(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or*

*(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or*

*(b) If substantial bodily or mental harm does not result to the child:*

*(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; or*

*(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years,*

*unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.*

*2. A person who is responsible for the safety or welfare of a child and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of*

abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect ~~;~~

~~is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for an act or omission which brings about the abuse, neglect or danger.~~

~~2. A person who violates any provision of subsection 1, ~~if~~:~~

*(a) If substantial bodily or mental harm results to the child:*

~~(a)~~ *(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or*

~~(b)~~ *(2) In all other such cases to which ~~paragraph (a)~~ subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years ~~;~~; or*

*(b) If substantial bodily or mental harm does not result to the child:*

*(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or*

*(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130, unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.*

3. A person does not commit a violation of subsection 1 ~~or 2~~ by virtue of the sole fact that he delivers or allows the delivery of a child to a provider of emergency services pursuant to section 1 of ~~this act.~~ *Senate Bill No. 191 of this session.*

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under

circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

- (1) Permanent or temporary disfigurement; or
- (2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his normal range of performance or behavior.

Sec. 3. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the written request of a victim or witness, inform him:

(a) When the defendant is released from custody at any time before or during the trial;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which he was directly involved.

2. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 4;

(2) The form that the witness must use to request notification; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 3, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 4 or 5 and NRS 176.015,

176A.630, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.130;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

3. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 2:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

4. Except as otherwise provided in subsection 5, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides his current address, notify him at that address when the offender is released from the prison.

5. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of *subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2* of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides his current address; and

(c) The victim, if he will be 18 years of age or older at the time of the release and has provided his current address, before the offender is released from prison.

6. The warden must not be held responsible for any injury proximately caused by his failure to give any notice required pursuant to this section if no address was provided to him or if the address provided is inaccurate or not current.

7. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;  
(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) Incest pursuant to NRS 201.180;

(6) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195;

(7) Open or gross lewdness pursuant to NRS 201.210;

(8) Indecent or obscene exposure pursuant to NRS 201.220;

(9) Lewdness with a child pursuant to NRS 201.230;

(10) Sexual penetration of a dead human body pursuant to NRS 201.450;

(11) Luring a child using a computer, system or network pursuant to section 4 of ~~[this act,]~~ *Senate Bill No. 551 of this session*, if punished as a felony;

(12) Annoyance or molestation of a minor pursuant to NRS 207.260;

(13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

(14) An attempt to commit an offense listed in this paragraph.

Sec. 4. NRS 213.1255 is hereby amended to read as follows:

213.1255 1. In addition to any conditions of parole required to be imposed pursuant to NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 2 against a child under the age of 14 years, the board shall, when appropriate:

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

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

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

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

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

(b) Abuse or neglect of a child pursuant to *subparagraph (1) of paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a)* of subsection 2 of NRS 200.508;

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

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

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

(f) Luring a child using a computer, system or network pursuant to section 4 of ~~[this act,]~~ *Senate Bill No. 551 of this session*, if punished as a felony; or

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

**Sec. 24.** 1. Sections 9, 22, 27 and 28 of chapter 262, Statutes of Nevada 2001, at pages 1163, 1166 and 1169, are hereby amended to read respectively as follows:

Sec. 9. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, unless the context otherwise requires:

1. "Offender" includes ~~fa~~:

(a) A person who is convicted of a felony under the laws of this state and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) *A person who is convicted of a felony under the laws of this state and assigned to the custody of the division of parole and probation of the department of public safety pursuant to section 7 of this act.*

2. "Residential confinement" means the confinement of a person convicted of a felony to his place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

Sec. 22. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsections 3 and 4, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book*

*entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the division of parole and probation of the department of public safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.*

*2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.*

*3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.*

*4. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.*

*5. As used in this section:*

*(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.*

*(b) "Eligible person" means a person who has:*

*(1) Successfully completed a program for reentry to which he participated in pursuant to section 7 or 19 of this act; and*

*(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.*

*(c) "Program for reentry" means a program for reentry of prisoners and parolees into the community that is established in a judicial district pursuant to section 6 of this act.*

*(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.*

Sec. 27. *1. The amendatory provisions of section ~~11.5~~ 11.5 of this act do not apply to offenses committed before July 1, 2001.*

*2. The amendatory provisions of section 12 of this act do not apply to offenses committed before July 1, 2003.*

Sec. 28. *1. This section and sections 1 to 8, inclusive, and 13 to 27, inclusive, of this act ~~becomes~~ become effective on July 1, 2001.*

*2. Sections 8.5, 9.5, 10.5 and 11.5 of this act become effective on July 1, 2001, and expire by limitation on June 30, 2003.*

*3. Sections 9, 10, 11 and 12 of this act become effective at 12:01 a.m. on July 1, 2003.*

2. Chapter 262, Statutes of Nevada 2001, at page 1162, is hereby amended by adding thereto a new section to be designated as section 8.5, immediately following section 8, to read as follows:

Sec. 8.5. NRS 209.432 is hereby amended to read as follows:

209.432 As used in NRS 209.432 to 209.451, inclusive, unless the context otherwise requires:

1. "Offender" includes:

(a) A person who is convicted of a felony under the laws of this state and sentenced, ordered or otherwise assigned to serve a term of residential confinement.

(b) A person who is convicted of a felony under the laws of this state and assigned to the custody of the division of parole and probation of the department of public safety pursuant to NRS 209.4314 ~~+~~ *or section 7 of this act.*

2. "Residential confinement" means the confinement of a person convicted of a felony to his place of residence under the terms and conditions established pursuant to specific statute. The term does not include any confinement ordered pursuant to NRS 176A.530 to 176A.560, inclusive, 176A.660 to 176A.690, inclusive, 213.15105, 213.15193 or 213.152 to 213.1528, inclusive.

3. Chapter 262, Statutes of Nevada 2001, at page 1163, is hereby amended by adding thereto a new section to be designated as section 9.5, immediately following section 9, to read as follows:

Sec. 9.5. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, but before July 17, 1997, who has no serious infraction of the regulations of the department, the terms and conditions of his residential confinement, or the laws of the state recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated under sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the division of parole and probation of the department of public safety pursuant to NRS 209.4314 ~~§~~ *or section 7 of this act*, a deduction of 10 days from his sentence for each month he serves.

2. In addition to the credit provided for in subsection 1, the director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

- (a) For earning a general equivalency diploma, 30 days.
- (b) For earning a high school diploma, 60 days.
- (c) For earning an associate degree, 90 days.

3. The director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

- (a) Must be deducted from the maximum term imposed by the sentence; and
- (b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

4. Chapter 262, Statutes of Nevada 2001, at page 1163, is hereby amended by adding thereto a new section to be designated as section 10.5, immediately following section 10, to read as follows:

Sec. 10.5. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the department, the terms and conditions of his residential confinement or the laws of the state recorded against him, and who performs in a

faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

(a) For the period he is actually incarcerated pursuant to his sentence;

(b) For the period he is in residential confinement; and

(c) For the period he is in the custody of the division of parole and probation of the department of public safety pursuant to NRS 209.4314 ~~§~~ *or section 7 of this act*, a deduction of 10 days from his sentence for each month he serves.

2. In addition to the credits allowed pursuant to subsection 1, the director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general equivalency diploma, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning his first associate degree, 90 days.

3. The director may, in his discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 20 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

5. Chapter 262, Statutes of Nevada 2001, at page 1164, is hereby amended by adding thereto a new section to be designated as section 11.5, immediately following section 11, to read as follows:

Sec. 11.5. NRS 212.187 is hereby amended to read as follows:

212.187 1. A prisoner who is in lawful custody or confinement, other than in the custody of the division of parole and probation of the department of public safety pursuant to NRS 209.4314 *or section 7 of this act* or residential confinement, and who voluntarily engages in sexual conduct with another person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, other than in the custody of the division of parole and probation of the department of public safety pursuant to NRS 209.4314 *or section 7 of this act* or residential confinement, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "sexual conduct":

(a) Includes acts of masturbation, homosexuality, sexual intercourse or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.

(b) Does not include acts of a person who has custody of a prisoner or an employee of the institution in which the prisoner is confined that are performed to carry out the necessary duties of such a person or employee.

**Sec. 25.** Section 12 of chapter 264, Statutes of Nevada 2001, at page 1172, is hereby amended to read as follows:

Sec. 12. NRS 118B.040 is hereby amended to read as follows:

118B.040 1. A rental agreement or lease between a landlord and tenant to rent or lease any ~~mobile~~ *manufactured* home lot must be in writing. The landlord shall give the tenant a copy of the agreement or lease at the time the tenant signs it.

2. A rental agreement or lease must contain, but is not limited to, provisions relating to:

(a) The duration of the agreement.

(b) The amount of rent, the manner and time of its payment and the amount of any charges for late payment and dishonored checks.

(c) Restrictions on occupancy by children or pets.

(d) Services and utilities included with the rental of a lot and the responsibility of maintaining or paying for them, including the charge, if any, for cleaning the lots.

(e) Deposits which may be required and the conditions for their refund.

(f) Maintenance which the tenant is required to perform and any appurtenances he is required to provide.

(g) The name and address of the owner of the ~~mobile~~ *manufactured* home park and his authorized agent.

(h) Any restrictions on subletting.

(i) Any recreational facilities and other amenities provided to the tenant and any deposits or fees required for their use.

(j) Any restriction of the park to older persons pursuant to federal law.

(k) The dimensions of the ~~mobile~~ *manufactured* home lot of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

(n) The amount to be charged each month to the tenant to reimburse the landlord for the cost of a capital improvement to the ~~mobile~~ *manufactured* home park. Such an amount must be stated separately and include the length of time the charge will be collected and the total amount to be recovered by the landlord from all tenants in the ~~mobile~~ *manufactured* home park.

**Sec. 26.** Section 5 of chapter 268, Statutes of Nevada 2001, at page 1220, is hereby amended to read as follows:

Sec. 5. NRS 62.172 is hereby amended to read as follows:

62.172 1. If a peace officer or probation officer has probable cause to believe that a child is committing or has committed an offense that involves the possession, use or threatened use of a firearm, the officer shall take the child into custody.

2. If a child is taken into custody for an offense described in subsection 1, the child must not be released before a detention hearing is held pursuant to subsection ~~8~~ **9** of NRS 62.170.

3. At a detention hearing held pursuant to subsection ~~8~~ **9** of NRS 62.170 concerning a child who was taken into custody for an offense described in subsection 1, the judge or

master shall determine whether to order the child to be evaluated by a qualified professional. If the judge or master orders a child to be evaluated by a qualified professional, the evaluation must be completed within 14 days after the detention hearing. Until the evaluation is completed, the child must be:

- (a) Detained at a facility for the detention of juveniles; or
- (b) Placed under a program of supervision in his home that may include electronic surveillance of the child.

4. If a child is evaluated by a qualified professional pursuant to subsection 3, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation conducted pursuant to subsection 3.

5. As used in this section:

(a) "Firearm" has the meaning ascribed to it in NRS 202.253.

(b) "Qualified professional" means:

(1) A psychiatrist licensed to practice medicine in this state and certified by the American Board of Psychiatry and Neurology, Inc.;

(2) A psychologist licensed to practice in this state;

(3) A social worker holding a master's degree in social work and licensed in this state as a clinical social worker;

(4) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this state; or

(5) A marriage and family therapist licensed in this state pursuant to chapter 641A of NRS.

**Sec. 27.** Section 2 of chapter 273, Statutes of Nevada 2001, at page 1239, is hereby amended to read as follows:

Sec. 2. NRS 365.545 is hereby amended to read as follows:

365.545 1. The proceeds of all taxes on fuel for jet or turbine-powered aircraft imposed pursuant to the provisions of NRS 365.170 or 365.203 must be deposited in the account for taxes on fuel for jet or turbine-powered aircraft in the state general fund and must be allocated monthly by the

department to the governmental entity which owns the airport at which the tax was collected, or if the airport is privately owned, to the county in which the airport is located.

2. The money so received must be used by the governmental entity receiving it to pay the cost of:

(a) Transportation projects related to airports, including access on the ground to airports;

(b) Payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in paragraph (a);

(c) Promoting the use of an airport, including, without limitation, increasing the number and availability of flights at the airport; ~~or~~

(d) *Contributing money to the trust fund for aviation created by section 1 of this act; or*

(e) Any combination of those purposes.

3. Money so received may also be pledged for the payment of general or special obligations issued to fund projects described in paragraph (a) of subsection 2.

4. Any money pledged pursuant to the provisions of subsection 3 may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

**Sec. 28.** Section 21 of chapter 275, Statutes of Nevada 2001, at page 1251, is hereby amended to read as follows:

Sec. 21. NRS 523.164 is hereby amended to read as follows:

523.164 1. The director shall adopt regulations for the conservation of energy in buildings, including manufactured homes, which establish the minimum standards for:

(a) The construction of floors, walls, ceilings and roofs;

(b) The equipment and systems for heating, ventilation and air-conditioning;

(c) Electrical equipment and systems;

(d) Insulation; and

(e) Other factors which affect the use of energy in a building.

2. The director may exempt a building from a standard if he determines that application of the standard to the building would not accomplish the purpose of the regulations.

3. The regulations must authorize allowances in design and construction for sources of renewable energy used to supply all or a part of the energy required in a building.

4. The standards adopted by the director are the minimum standards for the conservation of energy which apply only to areas in which the governing body of the local government has not adopted standards for the conservation of

energy in buildings. Such governing bodies shall assist the director in the enforcement of the regulations adopted pursuant to this section.

5. The director shall solicit comments regarding the adoption of regulations pursuant to this section from:

- (a) Persons in the business of constructing and selling homes;
- (b) Contractors;
- (c) Public utilities;
- (d) Local building ~~inspectors;~~ *officials;* and
- (e) The general public,

before adopting any regulations. The director must conduct at least three hearings in different locations in the state, after giving 30 days' notice of each hearing, before he may adopt any regulations pursuant to this section.

**Sec. 29.** Sections 4 and 6 of chapter 279, Statutes of Nevada 2001, at pages 1272 and 1274, respectively, are hereby amended to read respectively as follows:

Sec. 4. NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

- (a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and
- (b) Set forth the date by which final proposals must be submitted to the public body.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference in bidding on public works and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be

responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the public work, the public body shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2; or

(b) Reject all the final proposals.

5. If a public body selects a final proposal pursuant to paragraph (a) of subsection 4, the public body shall, at its next regularly scheduled meeting:

(a) Review and ratify the selection.

(b) Award the design-build contract to the design-build team whose proposal is selected.

(c) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(d) Make available to the public a summary setting forth the factors used by the public body to select the successful design-build team and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

6. A contract awarded pursuant to this section : ~~must specify:~~

(a) *Must specify:*

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

~~(b)~~ (2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

~~(c)~~ (3) A date by which performance of the work required by the contract must be completed.

*(b) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.*

*(c) Except as otherwise provided in paragraph (d), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.*

*(d) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.*

7. *Any provision of a contract that is in violation of paragraph (c) of subsection 6 is declared to be contrary to the public policy of this state and is void.*

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner; and

(b) Use the work force of the prime contractor on the design-build team to construct at least 15 percent of the public work.

Sec. 6. ~~[1.]~~ This section and sections 1, 2, 4 and 5 of this act become effective on October 1, 2001.

~~[2. Section 4 of this act expires by limitation on October 1, 2003.]~~

**Sec. 30.** 1. Sections 11, 37, 39, 40, 41, 42 and 44 of chapter 280, Statutes of Nevada 2001, at pages 1275, 1283, 1285, 1286 and 1287, are hereby amended to read respectively as follows:

Sec. 11. *1. Except as otherwise provided in subsections 2 and 3, a party to an agreement to arbitrate or to an arbitral proceeding may waive, or the parties may vary the effect of, the requirements of sections 2 to 37, inclusive, of this act to the extent permitted by law.*

*2. Before a controversy arises that is subject to an agreement to arbitrate, a party to the agreement may not:*

*(a) Waive or agree to vary the effect of the requirements of subsection 1 of section 12, subsection 1 of section 13, section 15, subsection 1 or 2 of section 24, section 33 or 35 of this act;*

*(b) Agree to unreasonably restrict the right under section 16 of this act to notice of the initiation of an arbitral proceeding;*

*(c) Agree to unreasonably restrict the right under section 19 of this act to disclosure of any facts by a neutral arbitrator; or*

*(d) Waive the right under section 23 of this act of a party to an agreement to arbitrate to be represented by a lawyer at any proceeding or hearing under sections 2 to 37, inclusive, of this act, but an employer and a labor organization may waive the right to representation by a lawyer in a labor arbitration.*

*3. A party to an agreement to arbitrate or arbitral proceeding may not waive, or the parties may not vary the effect of, the requirements of this section, NRS 38.330 or subsection 1 or 3 of section 10, section 14, 21, 25, subsection 3 or 4 of section 27, section 29, 30, 31, subsection 1 or 2 of section 32, section 36, 37 or 38 of this act.*

Sec. 37. (Deleted by amendment.)

Sec. 39. NRS 38.330 is hereby amended to read as follows:

38.330 1. If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing and shall select a mediator from the list of mediators maintained by the division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the division shall appoint a mediator from the list of mediators maintained by the division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. Except as otherwise provided in this section, the parties are responsible for all costs of mediation conducted pursuant to this section.

2. If all the parties named in the claim do not agree to mediation, the parties shall select an arbitrator from the list of arbitrators maintained by the division pursuant to NRS 38.340. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator,

the division shall appoint an arbitrator from the list maintained by the division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the division shall provide the name of the arbitrator to each party.

3. The division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section from the account for the ombudsman for owners in common-interest communities created pursuant to NRS 116.1117, to the extent that money is available in the account for this purpose.

4. Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.075 to 38.105, inclusive, 38.115, 38.125, 38.135, 38.155 and 38.165 ~~or~~ *or sections 22, 23, 24, 26 to 29, inclusive, 31 and 32 of this act, as determined pursuant to section 10 of this act.* At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

5. If all the parties have agreed to nonbinding arbitration, any party to the arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive. If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.135 ~~or~~ *or section 29 of this act, as determined pursuant to section 10 of this act.*

6. If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of chapter 38 of NRS. An award procured pursuant to such arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions

of NRS 38.145 ~~H~~ *or section 30 of this act, as determined pursuant to section 10 of this act.*

7. If, after the conclusion of arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.145 ~~H~~ *or section 30 of this act, as determined pursuant to section 10 of this act;* or

(b) Commences a civil action based upon any claim which was the subject of arbitration, the party shall, if he fails to obtain a more favorable award or judgment than that which was obtained in the initial arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

8. Upon request by a party, the division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

9. As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

Sec. 40. NRS 280.190 is hereby amended to read as follows:

280.190 The committee shall:

1. Direct the department to prepare and shall approve an annual operating budget for the department.

2. Submit the budget to the governing bodies of the participating political subdivisions before April 1 for funding for the following fiscal year.

3. Direct the department to prepare and shall adopt the funding apportionment plan provided for in NRS 280.201 and submit the plan before February 1 to the governing bodies of the participating political subdivisions for approval. The governing bodies shall approve or reject the plan before March 1.

4. If any of the governing bodies fails to approve the apportionment plan, the plan or any disputed element thereof must be submitted to an arbitration panel for resolution. The governing body of each participating political subdivision shall name one arbitrator to the panel, who must reside within this state. If this results in an even number of arbitrators, the arbitrators so named shall, by majority vote, select an additional arbitrator, who must reside within this state and who shall serve as chairman of the panel. The department shall provide such advice and technical and clerical assistance

as is requested by the panel. The panel must make its decision and submit it to the participating political subdivisions before April 1. When submitted, the decision is final and binding upon the participating political subdivisions. Except as otherwise provided in this section, the provisions of the Uniform Arbitration Act contained in NRS 38.015 to 38.205, inclusive, *or sections 2 to 37, inclusive, of this act, as determined pursuant to section 10 of this act*, apply.

Sec. 41. NRS 391.3194 is hereby amended to read as follows:

391.3194 1. Within 5 days after the superintendent receives the report of the hearing officer he shall either withdraw the recommendation to demote, dismiss or not reemploy the licensed employee or file his recommendation with the board.

2. Within 15 days after the receipt of the recommendation of the superintendent, the board shall either accept or reject the hearing officer's recommendation and notify the licensed employee in writing of its decision.

3. The board may, before making a decision, refer the report back to the hearing officer for further evidence and recommendations. Within 15 days after the report is referred to him, the hearing officer shall complete the report and file it with the board and mail a copy to the superintendent and licensed employee.

4. The licensed employee may appeal the decision to a district court within the time limits and in the manner provided by law for appeals of administrative decisions of state agencies. If the report of the hearing officer is final and binding, the employee or the board may request judicial review of the report ~~pursuant to~~ *in the manner provided in NRS 38.145 or 38.155 ~~or~~ or sections 30 and 31 of this act, as determined pursuant to section 10 of this act.*

Sec. 42. NRS 487.563 is hereby amended to read as follows:

487.563 1. Each person who submits an application for registration pursuant to the provisions of NRS 487.560 must include in the application a written statement to the department that specifies whether he agrees to submit to binding arbitration any claims against him arising out of a contract for repairs made by him to a motor vehicle. If the person fails to submit the statement to the department or specifies in the statement that he does not agree to arbitrate those claims, the person shall file with the department a bond in the amount of \$5,000, with a corporate surety for the bond that is licensed to do business in this state. The form of the

bond must be approved by the attorney general and be conditioned upon whether the applicant conducts his business as an owner or operator of a garage without fraud or fraudulent representation and in compliance with the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive.

2. The bond must be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. In lieu of a bond required to be filed pursuant to the provisions of subsection 1, a person may deposit with the department, pursuant to the terms prescribed by the department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the department; or

(b) A savings certificate of a bank or savings and loan association located in this state, which must indicate an account of an amount equal to the amount of the bond that would otherwise be required pursuant to this section and that the amount is unavailable for withdrawal except upon order of the department. Interest earned on the certificate accrues to the account of the applicant.

4. If a claim is arbitrated pursuant to the provisions of this section, the proceedings for arbitration must be conducted in accordance with the provisions of NRS 38.015 to 38.205, inclusive ~~1~~, *or sections 2 to 37, inclusive, of this act, as determined pursuant to section 10 of this act.*

5. If a person:

(a) Submits the statement to the department specifying that he agrees to arbitrate a claim pursuant to the provisions of subsection 1; and

(b) Fails to submit to binding arbitration any claim specified in that subsection, the person asserting the claim may notify the department of that fact. Upon receipt of the notice, the department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to submit the claim to arbitration.

6. If a person fails to comply with an order of a court that relates to the repair of a motor vehicle, the department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to comply with the order.

7. The department may reinstate or renew a certificate of registration that is:

(a) Revoked pursuant to the provisions of subsection 5 if the person whose certificate of registration is revoked:

(1) Submits the claim to arbitration pursuant to the provisions of subsection 4 and notifies the department of that fact; or

(2) Files a bond or makes a deposit with the department pursuant to the provisions of this section.

(b) Revoked pursuant to the provisions of subsection 6 if the person whose certificate of registration is revoked complies with the order of the court.

Sec. 44. 1. This section and sections 1 to ~~38, inclusive,~~ 39, inclusive, 40, 41 and 43.5 of this act become effective on October 1, 2001.

2. *Section 42 of this act becomes effective at 12:01 a.m. on October 1, 2001.*

3. Sections ~~39 to 43, inclusive,~~ 39.5, 40.5, 41.5, 42.3, 42.7 and 43 of this act become effective on October 1, 2003.

~~3.~~ 4. Section 38 of this act expires by limitation on ~~October 1,~~ September 30, 2003.

2. Chapter 280, Statutes of Nevada 2001, at page 1285, is hereby amended by adding thereto a new section to be designated as section 39.5, immediately following section 39, to read as follows:

Sec. 39.5. NRS 38.330 is hereby amended to read as follows:

38.330 1. If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing and shall select a mediator from the list of mediators maintained by the division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the division shall appoint a mediator from the list of mediators maintained by the division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. Except as otherwise provided in this section, the parties are responsible for all costs of mediation conducted pursuant to this section.

2. If all the parties named in the claim do not agree to mediation, the parties shall select an arbitrator from the list of arbitrators maintained by the division pursuant to NRS

38.340. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the division shall appoint an arbitrator from the list maintained by the division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the division shall provide the name of the arbitrator to each party.

3. The division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section from the account for the ombudsman for owners in common-interest communities created pursuant to NRS 116.1117, to the extent that money is available in the account for this purpose.

4. Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of ~~[NRS 38.075 to 38.105, inclusive, 38.115, 38.125, 38.135, 38.155 and 38.165 or]~~ sections 22, 23, 24, 26 to 29, inclusive, 31 and 32 ~~[of this act, as determined pursuant to section 10]~~ of this act. At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

5. If all the parties have agreed to nonbinding arbitration, any party to the arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive. If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to ~~[NRS 38.135 or]~~ section 29 ~~[of this act, as determined pursuant to section 10]~~ of this act.

6. If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of chapter 38 of NRS. An award procured

pursuant to such arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of ~~[NRS 38.145 or]~~ section 30 ~~[of this act, as determined pursuant to section 10]~~ of this act.

7. If, after the conclusion of arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to ~~[NRS 38.145 or]~~ section 30 ~~[of this act, as determined pursuant to section 10]~~ of this act; or

(b) Commences a civil action based upon any claim which was the subject of arbitration, the party shall, if he fails to obtain a more favorable award or judgment than that which was obtained in the initial arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

8. Upon request by a party, the division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

9. As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

3. Chapter 280, Statutes of Nevada 2001, at page 1285, is hereby amended by adding thereto a new section to be designated as section 40.5, immediately following section 40, to read as follows:

Sec. 40.5. NRS 280.190 is hereby amended to read as follows:

280.190 The committee shall:

1. Direct the department to prepare and shall approve an annual operating budget for the department.

2. Submit the budget to the governing bodies of the participating political subdivisions before April 1 for funding for the following fiscal year.

3. Direct the department to prepare and shall adopt the funding apportionment plan provided for in NRS 280.201 and submit the plan before February 1 to the governing bodies of the participating political subdivisions for approval. The governing bodies shall approve or reject the plan before March 1.

4. If any of the governing bodies fails to approve the apportionment plan, the plan or any disputed element thereof must be submitted to an arbitration panel for resolution. The governing body of each participating political subdivision shall name one arbitrator to the panel, who must reside within

this state. If this results in an even number of arbitrators, the arbitrators so named shall, by majority vote, select an additional arbitrator, who must reside within this state and who shall serve as chairman of the panel. The department shall provide such advice and technical and clerical assistance as is requested by the panel. The panel must make its decision and submit it to the participating political subdivisions before April 1. When submitted, the decision is final and binding upon the participating political subdivisions. Except as otherwise provided in this section, the provisions of ~~the Uniform Arbitration Act contained in NRS 38.015 to 38.205, inclusive, or~~ sections 2 to 37, inclusive, of this act ~~as determined pursuant to section 10 of this act,~~ apply.

4. Chapter 280, Statutes of Nevada 2001, at page 1285, is hereby amended by adding thereto a new section to be designated as section 41.5, immediately following section 41, to read as follows:

Sec. 41.5. NRS 391.3194 is hereby amended to read as follows:

391.3194 1. Within 5 days after the superintendent receives the report of the hearing officer he shall either withdraw the recommendation to demote, dismiss or not reemploy the licensed employee or file his recommendation with the board.

2. Within 15 days after the receipt of the recommendation of the superintendent, the board shall either accept or reject the hearing officer's recommendation and notify the licensed employee in writing of its decision.

3. The board may, before making a decision, refer the report back to the hearing officer for further evidence and recommendations. Within 15 days after the report is referred to him, the hearing officer shall complete the report and file it with the board and mail a copy to the superintendent and licensed employee.

4. The licensed employee may appeal the decision to a district court within the time limits and in the manner provided by law for appeals of administrative decisions of state agencies. If the report of the hearing officer is final and binding, the employee or the board may request judicial review of the report in the manner provided in ~~NRS 38.145 or 38.155 or~~ sections 30 and 31 of ~~this act, as determined pursuant to section 10 of~~ this act.

5. Chapter 280, Statutes of Nevada 2001, at page 1286, is hereby amended by adding thereto new sections to be designated as sections 42.3 and 42.7, immediately following section 42, to read as follows:

Sec. 42.3. NRS 487.563 is hereby amended to read as follows:

487.563 1. Each person who submits an application for registration pursuant to the provisions of NRS 487.560 must include in the application a written statement to the department that specifies whether he agrees to submit to binding arbitration any claims against him arising out of a contract for repairs made by him to a motor vehicle. If the person fails to submit the statement to the department or specifies in the statement that he does not agree to arbitrate those claims, the person shall file with the department a bond in the amount of \$5,000, with a corporate surety for the bond that is licensed to do business in this state. The form of the bond must be approved by the attorney general and be conditioned upon whether the applicant conducts his business as an owner or operator of a garage without fraud or fraudulent representation and in compliance with the provisions of NRS 487.035, 487.530 to 487.570, inclusive, and 597.480 to 597.590, inclusive.

2. The bond must be continuous in form and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

3. In lieu of a bond required to be filed pursuant to the provisions of subsection 1, a person may deposit with the department, pursuant to the terms prescribed by the department:

(a) A like amount of money or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the department; or

(b) A savings certificate of a bank or savings and loan association located in this state, which must indicate an account of an amount equal to the amount of the bond that would otherwise be required pursuant to this section and that the amount is unavailable for withdrawal except upon order of the department. Interest earned on the certificate accrues to the account of the applicant.

4. If a claim is arbitrated pursuant to the provisions of this section, the proceedings for arbitration must be conducted in accordance with the provisions of ~~NRS 38.015 to 38.205, inclusive, or~~ sections 2 to 37, inclusive, ~~[of this act, as determined pursuant to section 10]~~ of this act.

5. If a person:

(a) Submits the statement to the department specifying that he agrees to arbitrate a claim pursuant to the provisions of subsection 1; and

(b) Fails to submit to binding arbitration any claim specified in that subsection,

the person asserting the claim may notify the department of that fact. Upon receipt of the notice, the department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to submit the claim to arbitration.

6. If a person fails to comply with an order of a court that relates to the repair of a motor vehicle, the department shall, after notice and hearing, revoke or refuse to renew the certificate of registration of the person who failed to comply with the order.

7. The department may reinstate or renew a certificate of registration that is:

(a) Revoked pursuant to the provisions of subsection 5 if the person whose certificate of registration is revoked:

(1) Submits the claim to arbitration pursuant to the provisions of subsection 4 and notifies the department of that fact; or

(2) Files a bond or makes a deposit with the department pursuant to the provisions of this section.

(b) Revoked pursuant to the provisions of subsection 6 if the person whose certificate of registration is revoked complies with the order of the court.

Sec. 42.7. Section 11 of this act is hereby amended to read as follows:

Sec. 11. 1. Except as otherwise provided in subsections 2 and 3, a party to an agreement to arbitrate or to an arbitral proceeding may waive, or the parties may vary the effect of, the requirements of sections 2 to 37, inclusive, of this act to the extent permitted by law.

2. Before a controversy arises that is subject to an agreement to arbitrate, a party to the agreement may not:

(a) Waive or agree to vary the effect of the requirements of subsection 1 of section 12, subsection 1 of section 13, section 15, subsection 1 or 2 of section 24, section 33, or section 35 of this act;

(b) Agree to unreasonably restrict the right under section 16 of this act to notice of the initiation of an arbitral proceeding;

(c) Agree to unreasonably restrict the right under section 19 of this act to disclosure of any facts by a neutral arbitrator; or

(d) Waive the right under section 23 of this act of a party to an agreement to arbitrate to be represented by a lawyer at any proceeding or hearing under sections 2 to 37, inclusive, of this act, but an employer and a labor organization may waive the right to representation by a lawyer in a labor arbitration.

3. A party to an agreement to arbitrate or arbitral proceeding may not waive, or the parties may not vary the effect of, the requirements of this section, NRS 38.330 or subsection 1 or 3 of section 10, section 14, 21, 25, subsection 3 or 4 of section 27, section 29, 30, 31, subsection 1 or 2 of section 32, section 36 ~~[, 37 or 38]~~ or 37 of this act.

6. Chapter 280, Statutes of Nevada 2001, at page 1286, is hereby amended by adding thereto a new section to be designated as section 43.5, immediately following section 43, to read as follows:

Sec. 43.5. Sections 2 to 36, inclusive, of this act do not affect an action or proceeding commenced or right accrued before October 1, 2001. Subject to section 10 of this act, an agreement to arbitrate made before October 1, 2001, is governed by the provisions of NRS 38.015 to 38.205, inclusive, as they existed on that date.

**Sec. 31.** Section 3 of chapter 283, Statutes of Nevada 2001, at page 1296, is hereby amended to read as follows:

Sec. 3. NRS 445B.500 is hereby amended to read as follows:

445B.500 1. Except as otherwise provided in this section and in NRS 445B.310:

(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.

(b) The program:

(1) Must include, without limitation, standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation;

(2) May, in a county whose population is 400,000 or more, include requirements for the creation, receipt and exchange for consideration of credits to reduce and control air contaminants in accordance with NRS 445B.508; and

(3) Must provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and the federal act insofar as it pertains to local programs, and that agency is authorized to take all action necessary to secure for the county the benefits of the federal act.

(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to ~~445B.450,~~ **445B.470**, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.

2. The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.

3. In a county whose population is 400,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of \$17,500 per year. The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive. The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred.

4. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the state, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the commission.

5. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.

6. For the purposes of this section, "plants which generate electricity by using steam produced by the burning of fossil fuel" means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plant includes duct burners.

**Sec. 32.** Section 6 of chapter 285, Statutes of Nevada 2001, at page 1311, is hereby amended to read as follows:

Sec. 6. NRS 179D.035 is hereby amended to read as follows:

179D.035 "Convicted" includes, but is not limited to, an adjudication of delinquency or a finding of guilt by a court having jurisdiction over juveniles if the adjudication of delinquency or the finding of guilt is for the commission of any of the following offenses:

1. A crime against a child that is listed in subsection 6 of NRS 179D.210.
2. A sexual offense that is listed in subsection 20 of NRS 179D.410.
3. A sexual offense that is listed in paragraph (b) of subsection ~~3~~ 2 of NRS 62.600.

**Sec. 33.** Sections 5 and 6 of chapter 294, Statutes of Nevada 2001, at pages 1348 and 1350, respectively, are hereby amended to read respectively as follows:

Sec. 5. NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

- (a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or
- (b) On the first Tuesday after the first Monday in June of an odd-numbered year.

The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within ~~[60]~~ 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the ~~[municipality who together with any corporate petitioners own not less than 2 percent in assessed value of the taxable property of the]~~ municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election . ~~[and assessed values must be determined from the next preceding final assessment roll. An authorized corporate officer may sign such a petition whether or not he is a registered voter.]~~ The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public

hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district. If the amount in the reserve account falls below the amount required by this subsection:

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by this subsection; and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to this subsection.

6. A municipality may issue special or medium-term obligations without an election.

Sec. 6. The amendatory provisions of this act do not apply to any building leased *as of the effective date of this act* pursuant to an agreement that would prohibit the lessee from complying with the provisions of section ~~11~~ 2 of this act until the agreement expires or is renewed.

**Sec. 34.** Section 1 of chapter 295, Statutes of Nevada 2001, at page 1350, is hereby amended to read as follows:

Section 1. NRS 449.160 is hereby amended to read as follows:

449.160 *1.* The health division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, upon any of the following grounds:

~~11~~ *(a)* Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 ~~11~~ *or* 449.001 to 449.245, inclusive, or of any other law of this state or of the standards, rules and regulations adopted thereunder.

~~12~~ *(b)* Aiding, abetting or permitting the commission of any illegal act.

~~13~~ *(c)* Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

~~14~~ *(d)* Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

~~15~~ *(e)* Failure of the applicant to obtain written approval from the director of the department of human resources required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

*2. In addition to the provisions of subsection 1, the health division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:*

*(a) Is convicted of violating any of the provisions of NRS 202.470;*

*(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or*

*(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.*

*3. The health division shall maintain a log of any complaints that it receives relating to activities for which the*

*health division may revoke the license to operate a facility for the dependent pursuant to subsection 2.*

*4. On or before February 1 of each odd-numbered year, the health division shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:*

*(a) Any complaints included in the log maintained by the health division pursuant to subsection 3; and*

*(b) Any disciplinary actions taken by the health division pursuant to subsection 2.*

**Sec. 35.** 1. Sections 4, 76, 98, 99, 106 and 131 of chapter 296, Statutes of Nevada 2001, at pages 1358, 1389, 1399, 1400, 1402 and 1413, respectively, are hereby amended to read respectively as follows:

Sec. 4. NRS 78.010 is hereby amended to read as follows:

78.010 1. As used in this chapter:

(a) "Approval" and "vote" as describing action by the directors or stockholders mean the vote of directors in person or by written consent or of stockholders in person, by proxy or by written consent.

(b) "Articles," "articles of incorporation" and "certificate of incorporation" are synonymous terms and unless the context otherwise requires, include all certificates filed pursuant to NRS 78.030, 78.1955, 78.209, 78.380, 78.385 and 78.390 and any articles of merger ~~or~~, *conversion*, exchange *or domestication* filed pursuant to NRS 92A.200 to 92A.240, inclusive ~~or~~, *and sections 109 to 115, inclusive, of this act.* Unless the context otherwise requires, these terms include restated articles and certificates of incorporation.

(c) "Directors" and "trustees" are synonymous terms.

(d) "Receiver" includes receivers and trustees appointed by a court as provided in this chapter or in chapter 32 of NRS.

(e) "Registered office" means the office maintained at the street address of the resident agent.

(f) "Resident agent" means the agent appointed by the corporation upon whom process or a notice or demand authorized by law to be served upon the corporation may be served.

(g) "Sign" means to affix a signature to a document.

(h) "Signature" means a name, word or mark executed or adopted by a person with the present intention to authenticate a document. The term includes, without limitation, an electronic signature as defined in section 11 of ~~this act.~~ *Senate Bill No. 49 of this session.*

(i) "Stockholder of record" means a person whose name appears on the stock ledger of the corporation.

(j) "Street address" of a resident agent means the actual physical location in this state at which a resident agent is available for service of process.

2. General terms and powers given in this chapter are not restricted by the use of special terms, or by any grant of special powers contained in this chapter.

Sec. 76. NRS 86.274 is hereby amended to read as follows:

86.274 1. The secretary of state shall notify, by letter addressed to its resident agent, each limited-liability company deemed in default pursuant to the provisions of this chapter. The notice must be accompanied by a statement indicating the amount of the filing fee, penalties and costs remaining unpaid.

2. On the first day of the ~~ninth~~ *first anniversary of the* month following the month in which the filing was required, the charter of the company is revoked and its right to transact business is forfeited.

3. The secretary of state shall compile a complete list containing the names of all limited-liability companies whose right to do business has been forfeited. The secretary of state shall forthwith notify each limited-liability company by letter addressed to its resident agent of the forfeiture of its charter. The notice must be accompanied by a statement indicating the amount of the filing fee, penalties and costs remaining unpaid.

4. If the charter of a limited-liability company is revoked and the right to transact business is forfeited, all of the property and assets of the defaulting company must be held in trust by the managers or, if none, by the members of the company, and the same proceedings may be had with respect to its property and assets as apply to the dissolution of a limited-liability company ~~H~~ *pursuant to NRS 86.505 and 86.521*. Any person interested may institute proceedings at any time after a forfeiture has been declared, but if the secretary of state reinstates the charter the proceedings must be dismissed and all property restored to the company.

5. If the assets are distributed they must be applied in the following manner:

(a) To the payment of the filing fee, penalties and costs due to the state; and

(b) To the payment of the creditors of the company.

Any balance remaining must be distributed among the members as provided in subsection 1 of NRS 86.521.

Sec. 98. NRS 88.400 is hereby amended to read as follows:

88.400 1. If a ~~[corporation]~~ *limited partnership* has filed the list in compliance with NRS 88.395 and has paid the appropriate fee for the filing, the canceled check received by the limited partnership constitutes a certificate authorizing it to transact its business within this state until the anniversary date of the filing of its certificate of limited partnership in the next succeeding calendar year. If the limited partnership desires a formal certificate upon its payment of the annual fee, its payment must be accompanied by a self-addressed, stamped envelope.

2. Each limited partnership which refuses or neglects to file the list and pay the fee within the time provided is in default.

3. For default there must be added to the amount of the fee a penalty of \$15, and unless the filings are made and the fee and penalty are paid on or before the first day of the ~~[ninth]~~ *first anniversary of the* month following the month in which filing was required, the defaulting limited partnership, by reason of its default, forfeits its right to transact any business within this state.

Sec. 99. NRS 88.405 is hereby amended to read as follows:

88.405 1. The secretary of state shall notify, by letter addressed to its resident agent, each defaulting limited partnership. The notice must be accompanied by a statement indicating the amount of the filing fee, penalties and costs remaining unpaid.

2. Immediately after the first day of the ~~[ninth]~~ *first anniversary of the* month following the month in which filing was required, the certificate of the limited partnership is revoked. The secretary of state shall compile a complete list containing the names of all limited partnerships whose right to do business has been forfeited. The secretary of state shall notify, by letter addressed to its resident agent, each limited partnership of the revocation of its certificate. The notice must be accompanied by a statement indicating the amount of the filing fee, penalties and costs remaining unpaid.

3. In case of revocation of the certificate and of the forfeiture of the right to transact business thereunder, all the property and assets of the defaulting domestic limited partnership are held in trust by the general partners, and the same proceedings may be had with respect thereto as for the

judicial dissolution of a limited partnership. Any person interested may institute proceedings at any time after a forfeiture has been declared, but if the secretary of state reinstates the limited partnership the proceedings must at once be dismissed and all property restored to the general partners.

Sec. 106. NRS 88A.640 is hereby amended to read as follows:

88A.640 1. The secretary of state shall notify, by letter addressed to its resident agent, each business trust deemed in default pursuant to the provisions of this chapter. The notice must be accompanied by a statement indicating the amount of the filing fee, penalties and costs remaining unpaid.

2. ~~On~~ *Immediately after* the first day of the ~~ninth~~ *first anniversary of the* month following the month in which the filing was required, the certificate of trust of the business trust is revoked and its right to transact business is forfeited.

3. The secretary of state shall compile a complete list containing the names of all business trusts whose right to do business has been forfeited. He shall forthwith notify each such business trust, by letter addressed to its resident agent, of the revocation of its certificate of trust. The notice must be accompanied by a statement indicating the amount of the filing fee, penalties and costs remaining unpaid.

4. If the certificate of trust is revoked and the right to transact business is forfeited, all the property and assets of the defaulting business trust must be held in trust by its trustees as for insolvent business trusts, and the same proceedings may be had with respect thereto as are applicable to insolvent business trusts. Any person interested may institute proceedings at any time after a forfeiture has been declared, but if the secretary of state reinstates the certificate of trust, the proceedings must at once be dismissed.

Sec. 131. NRS 92A.230 is hereby amended to read as follows:

92A.230 1. Articles of merger , *conversion* or exchange must be signed by each domestic constituent entity as follows:

(a) By ~~the president or a vice president~~ *an officer* of a domestic corporation, whether or not for profit;

(b) By all the general partners of a domestic limited partnership;

(c) By a manager of a domestic limited-liability company with managers or by all the members of a domestic limited-liability company without managers; and

(d) By a trustee of a domestic business trust.

2. ~~If the domestic entity is a corporation, the articles must also be signed by the secretary or an assistant secretary.~~

~~3.]~~ Articles of merger, *conversion* or exchange must be signed by each foreign constituent entity in the manner provided by the law governing it.

~~4.]~~ 3. As used in this section, "signed" means to have executed or adopted a name, word or mark, including, without limitation, an electronic signature as defined in section 11 of ~~[this act,]~~ *Senate Bill No. 49 of this session*, with the present intention to authenticate a document.

2. Chapter 296, Statutes of Nevada 2001, at page 1415, is hereby amended by adding thereto a new section to be designated as section 136.5, immediately following section 136, to read as follows:

Sec. 136.5. Section 34 of chapter 601, Statutes of Nevada 2001, at page 3187, is hereby amended to read as follows:

Sec. 34. NRS 88.400 is hereby amended to read as follows:

88.400 1. If a limited partnership has filed the list in compliance with NRS 88.395 and has paid the appropriate fee for the filing, the canceled check received by the limited partnership constitutes a certificate authorizing it to transact its business within this state until the anniversary date of the filing of its certificate of limited partnership in the next succeeding calendar year. If the limited partnership desires a formal certificate upon its payment of the annual fee, its payment must be accompanied by a self-addressed, stamped envelope.

2. Each limited partnership which refuses or neglects to file the list and pay the fee within the time provided is in default.

3. For default there must be added to the amount of the fee a penalty of ~~[\$15,]~~ *\$50*, and unless the filings are made and the fee and penalty are paid on or before the first day of the first anniversary of the month following the month in which filing was required, the defaulting limited partnership, by reason of its default, forfeits its right to transact any business within this state.

**Sec. 36.** Chapter 307, Statutes of Nevada 2001, at page 1440, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. NRS 284.148 is hereby amended to read as follows:

284.148 1. An *elected officer or an* employee in the unclassified service who is ~~[an elected officer,]~~ on the

personal staff of an elected officer, ~~or~~ an appointed head of a department or division who serves at the pleasure or discretion of an elected officer ~~[-or who is]~~ *or* an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.:

- (a) Must be paid on a salary basis, within a maximum amount established by law;
- (b) Is not entitled to compensation for overtime; and
- (c) Is not subject to disciplinary suspensions for less than 1 week.

2. An employee in the classified service who is an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and who is either a head of a department, division or bureau, or a doctoral level professional:

- (a) Must be paid on a salary basis;
- (b) Is not entitled to compensation for overtime; and
- (c) Is not subject to disciplinary suspensions for less than 1 week.

3. Unless otherwise specified by statute, the department shall determine which positions in the classified and unclassified service are subject to the provisions of this section.

**Sec. 37.** Sections 2 and 3 of chapter 319, Statutes of Nevada 2001, at page 1497, are hereby amended to read respectively as follows:

Sec. 2. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, sections 2 to 5, inclusive, of Senate Bill No. 203 of this session, ~~and~~ sections 2 to 5, inclusive, of ~~[this act,]~~ *Senate Bill No. 317 of this session and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 354.479 to 354.578, inclusive, ~~and~~ sections 2 and 3 of Senate Bill No. 203 of this session and sections 2 and 3 of ~~[this act,]~~ *Senate Bill No. 317 of this session* have the meanings ascribed to them in those sections.

Sec. 3. This act becomes effective *at 12:02 a.m.* on July 1, 2001.

**Sec. 38.** Sections 2 and 8 of chapter 321, Statutes of Nevada 2001, at pages 1501 and 1504, respectively, are hereby amended to read respectively as follows:

Sec. 2. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the department shall issue a *rectangular-shaped* driver's license which bears a front view colored photograph of the licensee . ~~[if he]~~ *The photograph and any information included on the license must be placed in a manner which ensures that:*

*(a) If the licensee is 21 years of age or older ~~[or a profile view colored photograph if he]~~ , the longer edges of the rectangle serve as the top and bottom of the license; or*

*(b) If the licensee is under 21 years of age ~~[or]~~ , the shorter edges of the rectangle serve as the top and bottom of the license.*

2. The department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this state and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his driver's license. If the licensee returns to this state for 14 continuous days or more, the licensee shall, within 24 days after the date of his return, surrender the temporary license and obtain a license which bears his photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if he surrenders the temporary license, obtains a license which bears his photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) By regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the state treasury for credit to the motor vehicle fund and must be allocated to the department to defray the increased costs of producing *the* drivers' licenses required by this section.

Sec. 8. 1. This section and sections ~~[2,]~~ 3, 5, 6 and 7 of this act become effective on July 1, 2001.

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

**Sec. 39.** 1. Sections 14, 32, 40, 55, 57 and 61 of chapter 331, Statutes of Nevada 2001, at pages 1546, 1558, 1563, 1569 and 1570, are hereby amended to read respectively as follows:

Sec. 14. NRS 361.159 is hereby amended to read as follows:

361.159 1. Except as otherwise provided in subsection 3, when personal property, or a portion of personal property, which for any reason is exempt from taxation is leased, loaned or otherwise made available to and used by a natural person, association or corporation in connection with a business conducted for profit, the leasehold interest, possessory interest, beneficial interest or beneficial use of any such lessee or user of the property is subject to taxation to the extent the:

(a) Portion of the property leased or used; and

(b) Percentage of time during the fiscal year that the property is leased to the lessee or used by the user, in accordance with section 1 of ~~[this act.]~~ *Assembly Bill No. 433 of this session,*

can be segregated and identified. The taxable value of the interest or use must be determined in the manner provided in subsection 3 of NRS 361.227 and in accordance with section 1 of ~~[this act.]~~ *Assembly Bill No. 433 of this session.*

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

3. The provisions of this section do not apply to personal property:

(a) Used in vending stands operated by blind persons under the auspices of the bureau of services to the blind and visually impaired of the rehabilitation division of the department of employment, training and rehabilitation.

(b) Owned by a public *airport and used for the purposes of the public* airport.

Sec. 32. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a

mortgage or deed of trust, or any conveyance of real property or instrument in writing setting forth an agreement to convey real property unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) The assessor's parcel number of the property at the top of the first page of the document, if the county assessor has assigned a parcel number to the property. The county recorder is not required to verify that the assessor's parcel number is correct.

2. *The county recorder shall not record with respect to real property any conveyance of real property or instrument in writing setting forth an agreement to convey real property unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.*

3. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

~~[3.]~~ 4. Except as otherwise provided in subsection ~~[4.]~~ 5, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

~~[4.]~~ 5. If a document described in subsection ~~[3]~~ 4 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 40. (Deleted by amendment.)

Sec. 55. NRS 575.190 is hereby amended to read as follows:

575.190 Using the tax levies from the board, the department and the Nevada beef council, ~~[the county assessor, auditor or treasurer, or]~~ the department ~~[if it is administering the special tax,]~~ shall calculate the total taxes due from each owner of livestock or sheep based on the report of owners of livestock or sheep approved by the ~~[committee for assessing livestock.]~~ *department.*

Sec. 57. NRS 575.210 is hereby amended to read as follows:

575.210 Whenever any taxes, or penalties or interest for delinquencies pursuant to NRS 562.175 or 575.130 *or section 47.5 of this act* are paid to the ~~county treasurer, he~~ *department, the department* shall record the payment and the date thereof with the name of the person liable therefor, and the amount of taxes, penalties and interest collected pursuant to NRS 562.170, 562.175, 567.110, 571.035, 575.070 and 575.130 ~~;~~ *and section 47.5 of this act*, and transmit the revenue thereof to the state controller for deposit into the appropriate account or fund in the state treasury.

Sec. 61. 1. This section and sections 1 to 10, inclusive, 11, 12, 14 to 25, inclusive, 27 to 44, inclusive, ~~and~~ *59 and 59.5* of this act become effective on July 1, 2001.

2. Sections 13 and 26 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Section 10 of this act expires by limitation on June 30, 2003.

4. Section 10.5 of this act becomes effective at 12:02 a.m. on July 1, 2003.

5. Sections 45 to 58, inclusive, and 60 of this act become effective on July 1, 2004.

2. Chapter 331, Statutes of Nevada 2001, at page 1570, is hereby amended by adding thereto a new section to be designated as section 59.5, immediately following section 59, to read as follows:

Sec. 59.5. Section 53 of chapter 370, Statutes of Nevada 2001, at page 1754, is hereby amended to read as follows:

Sec. 53. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, or any conveyance of real property or instrument in writing setting forth an agreement to convey real property unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) The assessor's parcel number of the property at the top *left corner* of the first page of the document, if the county assessor has assigned a parcel number to the property. The county recorder is not required to verify that the assessor's parcel number is correct.

2. The county recorder shall not record with respect to real property any conveyance of real property or instrument in writing setting forth an agreement to convey real property unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

3. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

4. Except as otherwise provided in subsection 5, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

5. If a document described in subsection 4 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

**Sec. 40.** Sections 2, 3 and 9 of chapter 335, Statutes of Nevada 2001, at pages 1580, 1581 and 1585, respectively, are hereby amended to read respectively as follows:

Sec. 2. 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 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 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. ~~HH~~ *Except as otherwise provided in NRS 361.0685 and subsection 4, 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 *on personal property* 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.

4. *If a partial abatement from the taxes imposed by this chapter is approved by the commission on economic development pursuant to NRS 360.750 for a facility for the generation of electricity from renewable energy:*

(a) *The partial abatement must be:*

- (1) *For a duration of 10 years;*
- (2) *Equal to 50 percent of the taxes on real and personal property payable by the facility each year pursuant to this chapter; and*

(3) *Administered and carried out in the manner set forth in NRS 360.750.*

(b) *The executive director of the commission on economic development shall:*

(1) *Notify the county assessor of the county in which the facility is located of the approval of the partial abatement; and*

(2) *Advise the county assessor of the county in which the facility is located as to the dates on which the partial abatement will begin and end.*

5. *As used in this section:*

(a) *“Biomass” means any organic matter that is available on a renewable basis, including, without limitation:*

(1) *Agricultural crops and agricultural wastes and residues;*

(2) *Wood and wood wastes and residues;*

(3) *Animal wastes;*

(4) *Municipal wastes; and*

(5) *Aquatic plants.*

(b) *“Facility for the generation of electricity from renewable energy” means a facility for the generation of electricity that:*

(1) *Uses renewable energy as its primary source of energy; and*

(2) *Has a generating capacity of at least 10 kilowatts.*

*The term includes all the machinery and equipment that is used in the facility to collect and store the renewable energy and to convert the renewable energy into electricity. The term does not include a facility that is located on residential property.*

(c) *“Industrial or manufacturing business” does not include a facility for the generation of electricity from renewable energy.*

(d) *“Renewable energy” means:*

(1) *Biomass;*

(2) *Solar energy; or*

(3) *Wind.*

*The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.*

Sec. 3. 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 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 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. ~~##~~ *Except as otherwise provided in NRS 361.0685, 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 *on personal property* 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. 9. 1. This section and sections 1 ~~6, 2~~ and 4 to 8, inclusive, of this act become effective on July 1, 2001.

2. Sections 2 and 5 of this act expire by limitation on June 30, 2005.

3. Section 3 of this act becomes effective on July 1, 2005.

*4. Section 2 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

**Sec. 41.** Section 24 of chapter 336, Statutes of Nevada 2001, at page 1591, is hereby amended to read as follows:

Sec. 24. *1. If any real property transfer tax imposed pursuant to this chapter is not paid when due, the county may, within 3 years after the date that the tax was due, record a certificate in the office of the county recorder which states:*

*(a) The amount of the real property transfer tax and any interest or penalties due;*

*(b) The name and address of the person who is liable for the amount due as they appear on the records of the county; and*

*(c) That the county recorder has complied with all procedures required by law for determining the amount due.*

*2. From the time of the recording of the certificate, the amount due, including interest and penalties, constitutes:*

*(a) A lien upon the real property for which the tax was due if the person who owes the tax still owns the property; or*

*(b) A demand for payment if the property has been sold or otherwise transferred to another person.*

*3. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the recording*

*of the certificate unless sooner released or otherwise discharged.*

*4. Within 5 years after the date of recording the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by recording a new certificate in the office of the county recorder. From the time of recording the new certificate, the lien is extended for 5 years, unless sooner released or otherwise discharged.*

**Sec. 42.** Sections 1, 2 and 6 of chapter 338, Statutes of Nevada 2001, at pages 1598, 1601 and 1605, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 365.550 is hereby amended to read as follows:

365.550 1. The receipts of the tax levied pursuant to NRS 365.180 must be allocated monthly by the department to the counties using the following formula:

~~(a) One-fourth in proportion to total area.  
(b) One-fourth in proportion to population.  
(c) One-fourth in proportion to road mileage and street mileage of nonfederal-aid primary roads.  
(d) One-fourth in proportion to vehicle miles of travel on nonfederal-aid primary roads.]~~

*Determine the average monthly amount each county received in the fiscal year ending on June 30, 2001, and allocate to each county that amount, or if the total amount to be allocated is less than that amount, allocate to each county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the fiscal year ending on June 30, 2001;*

*(b) Determine for each county an amount from the total amount to be allocated using the following formula:*

*(1) Two-thirds in proportion to population; and*

*(2) One-third in proportion to road mileage and street mileage of improved roads or streets maintained by the county or an incorporated city located within the county,*

*and compare that amount to the amount allocated to the county pursuant to paragraph (a);*

*(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a); and*

*(d) Allocate to any county which is identified pursuant to paragraph (c), using the formula set forth in paragraph (b), any amount from the tax levied pursuant to NRS*

365.180 that remains after the allocation required pursuant to paragraph (a).

2. Within 10 calendar days after June 1 of each fiscal year, the department shall:

(a) Project the total amount that each county will be allocated pursuant to subsection 1 for the current fiscal year.

(b) If the total amount allocated to all the counties will not exceed the total amount that was received by all the counties for the fiscal year ending on June 30, 2001, adjust the final monthly allocation to be made to each county so that each county is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the fiscal year ending on June 30, 2001.

(c) If a county receives an allocation pursuant to paragraph (d) of subsection 1, determine whether the total monthly allocations projected to be made to that county pursuant to subsection 1 for the current fiscal year exceed the total amount the county received in the fiscal year ending on June 30, 2001. If the total monthly allocations projected to be made to the county do not exceed the total amount the county received in the fiscal year ending on June 30, 2001, the department shall adjust the final monthly allocation to be made to the county for the current fiscal year so that the total amount allocated to the county for the current fiscal year equals the total amount the county received in the fiscal year ending on June 30, 2001.

3. Of the money allocated to each county pursuant to the provisions of ~~subsection 1;~~ subsections 1 and 2:

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to chapter 373 of NRS, for the construction, maintenance and repair of county roads, and for the purchase of equipment for that construction, maintenance and repair, under the direction of the boards of county commissioners of the several counties, and must not be used to defray expenses of administration; and

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated ~~pursuant to the following formula:~~

~~(1) If there are no incorporated cities in the county,] to the county [; and~~

~~(2) If there is at least one incorporated city in the county,], if there are no incorporated cities in the county, or~~

to the county and any incorporated cities in the county , *if there is at least one incorporated city in the county*, pursuant to the *following* formula ~~set forth for counties in subsection 1.~~:

- (1) *One-fourth in proportion to total area.*
- (2) *One-fourth in proportion to population.*
- (3) *One-fourth in proportion to road mileage and street mileage of nonfederal aid primary roads.*
- (4) *One-fourth in proportion to vehicle miles of travel on nonfederal aid primary roads.*

For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

~~3.~~ 4. The amount allocated to the counties and incorporated cities pursuant to subsections 1 , ~~and~~ 2 *and 3* must be remitted monthly. The state controller shall draw his warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities, as applicable, and the state treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.

~~4.~~ 5. The formula computations must be made as of July 1 of each year by the department, based on estimates which must be furnished by the department of transportation ~~The~~ *and, if applicable, any adjustments to the estimates determined to be appropriate by the committee pursuant to subsection 9. Except as otherwise provided in subsection 9, the determination made by the department is conclusive.*

~~5.~~ 6. *The department of transportation shall complete:*

(a) *The estimates of the total mileage of improved roads or streets maintained by each county and incorporated city on or before August 31 of each year.*

(b) *A physical audit of the information submitted by each county and incorporated city pursuant to subsection 7 at least once every 10 years.*

7. Each county and incorporated city shall, not later than ~~January~~ *March* 1 of each year, submit a list to the department of transportation setting forth:

(a) Each *improved* road or street that is maintained by the county or city; and

(b) The beginning and ending points and the total mileage of each of those *improved* roads or streets.

Each county and incorporated city shall, at least 10 days before the list is submitted to the department of transportation, hold a public hearing to identify and determine

the *improved* roads and streets maintained by the county or city.

~~6.~~ 8. *If a county or incorporated city does not agree with the estimates prepared by the department of transportation pursuant to subsection 6, the county or incorporated city may request that the subcommittee examine the estimates and recommend an adjustment to the estimates. Such a request must be submitted to the subcommittee not later than October 15.*

9. *The subcommittee shall review any request it receives pursuant to subsection 8 and report to the committee its findings and any recommendations for an adjustment to the estimates it determines is appropriate. The committee shall hold a public hearing and determine whether an adjustment to the estimates is appropriate on or before December 31 of the year it receives a request pursuant to subsection 8. Any determination made by the committee pursuant to this subsection is conclusive.*

10. *The subcommittee shall monitor the fiscal impact of the formula set forth in this section on counties and incorporated cities and report regularly to the committee concerning its findings and recommendations regarding that fiscal impact.*

11. As used in this section ~~["construction"]~~:

(a) *"Committee" means the legislative committee for local government taxes and finance established pursuant to NRS 218.53881.*

(b) *"Construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a county or city road and is necessary for the safe and efficient use of that road, including, without limitation:*

~~(a)~~ (1) Grades and regrades;

~~(b)~~ (2) Graveling, oiling, surfacing, macadamizing and paving;

~~(c)~~ (3) Sweeping, cleaning and sanding roads and removing snow from a road;

~~(d)~~ (4) Crosswalks and sidewalks;

~~(e)~~ (5) Culverts, catch basins, drains, sewers and manholes;

~~(f)~~ (6) Inlets and outlets;

~~(g)~~ (7) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;

~~(h)~~ (8) Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;

- ~~(9)~~ (9) Rights of way;
- ~~(10)~~ (10) Grade and traffic separators;
- ~~(11)~~ (11) Fences, cattle guards and other devices to control access to a county or city road;
- ~~(12)~~ (12) Signs and devices for the control of traffic; and
- ~~(13)~~ (13) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.

(c) *“Improved road or street” means a road or street that is, at least:*

*(1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and*

*(2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.*

(d) *“Subcommittee” means the subcommittee appointed pursuant to NRS 218.53884.*

Sec. 2. NRS 365.550 is hereby amended to read as follows:

365.550 1. The receipts of the tax levied pursuant to NRS 365.180 must be allocated monthly by the department to the counties using the following formula:

(a) Determine the average monthly amount each county received in the fiscal year ending on June 30, 2001, and allocate to each county that amount, or if the total amount to be allocated is less than that amount, allocate to each county a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the fiscal year ending on June 30, 2001;

(b) Determine for each county an amount from the total amount to be allocated using the following formula:

(1) Two-thirds in proportion to population; and

(2) One-third in proportion to road mileage and street mileage of improved roads or streets maintained by the county or an incorporated city located within the county,

and compare that amount to the amount allocated to the county pursuant to paragraph (a);

(c) Identify each county for which the amount determined pursuant to paragraph (b) is greater than the amount allocated to the county pursuant to paragraph (a); and

(d) Allocate to any county which is identified pursuant to paragraph (c), using the formula set forth in paragraph (b), any amount from the tax levied pursuant to NRS 365.180 that remains after the allocation required pursuant to paragraph (a).

2. Within 10 calendar days after June 1 of each fiscal year, the department shall:

(a) Project the total amount that each county will be allocated pursuant to subsection 1 for the current fiscal year.

(b) If the total amount allocated to all the counties will not exceed the total amount that was received by all the counties for the fiscal year ending on June 30, 2001, adjust the final monthly allocation to be made to each county so that each county is allocated a percentage of the total amount to be allocated that is equal to the percentage of the total amount allocated to that county in the fiscal year ending on June 30, 2001.

(c) If a county receives an allocation pursuant to paragraph (d) of subsection 1, determine whether the total monthly allocations projected to be made to that county pursuant to subsection 1 for the current fiscal year exceed the total amount the county received in the fiscal year ending on June 30, 2001. If the total monthly allocations projected to be made to the county do not exceed the total amount the county received in the fiscal year ending on June 30, 2001, the department shall adjust the final monthly allocation to be made to the county for the current fiscal year so that the total amount allocated to the county for the current fiscal year equals the total amount the county received in the fiscal year ending on June 30, 2001.

3. Of the money allocated to each county pursuant to the provisions of subsections 1 and 2:

(a) An amount equal to that part of the allocation which represents 1.25 cents of the tax per gallon must be used exclusively for the service and redemption of revenue bonds issued pursuant to chapter 373 of NRS, for the construction, maintenance and repair of county roads, and for the purchase of equipment for that construction, maintenance and repair, under the direction of the boards of county commissioners of the several counties, and must not be used to defray expenses of administration; and

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated to the county, if there are no incorporated cities in the county, or to the county and any incorporated cities in the county, if there is at least one incorporated city in the county, pursuant to the following formula:

- (1) One-fourth in proportion to total area.
- (2) One-fourth in proportion to population.
- (3) One-fourth in proportion to road mileage and street mileage of nonfederal aid primary roads.

(4) One-fourth in proportion to vehicle miles of travel on nonfederal aid primary roads.

For the purpose of applying the formula, the area of the county excludes the area included in any incorporated city.

4. The amount allocated to the counties and incorporated cities pursuant to subsections 1, 2 and 3 must be remitted monthly. The state controller shall draw his warrants payable to the county treasurer of each of the several counties and the city treasurer of each of the several incorporated cities, as applicable, and the state treasurer shall pay the warrants out of the proceeds of the tax levied pursuant to NRS 365.180.

5. The formula computations must be made as of July 1 of each year by the department, based on estimates which must be furnished by the department of transportation and, if applicable, any adjustments to the estimates determined to be appropriate by the committee pursuant to subsection 9. Except as otherwise provided in subsection 9, the determination made by the department is conclusive.

6. The department of transportation shall complete:

(a) The estimates of the total mileage of improved roads or streets maintained by each county and incorporated city on or before August 31 of each year.

(b) A physical audit of the information submitted by each county and incorporated city pursuant to subsection 7 at least once every 10 years.

7. Each county and incorporated city shall, not later than March 1 of each year, submit a list to the department of transportation setting forth:

(a) Each improved road or street that is maintained by the county or city; and

(b) The beginning and ending points and the total mileage of each of those improved roads or streets.

Each county and incorporated city shall, at least 10 days before the list is submitted to the department of transportation, hold a public hearing to identify and determine the improved roads and streets maintained by the county or city.

8. If a county or incorporated city does not agree with the estimates prepared by the department of transportation pursuant to subsection 6, the county or incorporated city may request that the ~~{subcommittee}~~ *committee* examine the estimates and recommend an adjustment to the estimates. Such a request must be submitted to the ~~{subcommittee}~~ *committee* not later than October 15.

9. ~~{The subcommittee shall review any request it receives pursuant to subsection 8 and report to the committee}~~

~~its findings and any recommendations for an adjustment to the estimates it determines is appropriate.]~~ The committee shall hold a public hearing and *review any request it receives pursuant to subsection 8 and* determine whether an adjustment to the estimates is appropriate on or before December 31 of the year it receives a request pursuant to subsection 8. Any determination made by the committee pursuant to this subsection is conclusive.

10. The ~~[subcommittee]~~ *committee* shall monitor the fiscal impact of the formula set forth in this section on counties and incorporated cities . ~~[and report regularly to the committee]~~ *Biennially, the committee shall prepare a report concerning its findings and recommendations regarding that fiscal impact [.] and submit the report on or before February 15 of each odd-numbered year to the director of the legislative counsel bureau for transmittal to the senate and assembly committees on taxation of the nevada legislature for their review.*

11. As used in this section:

(a) "Committee" means the ~~[legislative committee for local government taxes and finance established pursuant to NRS 218.53881.]~~ *committee on local government finance created pursuant to section 4 of Senate Bill No. 317 of this session.*

(b) "Construction, maintenance and repair" includes the acquisition, operation or use of any material, equipment or facility that is used exclusively for the construction, maintenance or repair of a county or city road and is necessary for the safe and efficient use of that road, including, without limitation:

- (1) Grades and regrades;
- (2) Graveling, oiling, surfacing, macadamizing and paving;
- (3) Sweeping, cleaning and sanding roads and removing snow from a road;
- (4) Crosswalks and sidewalks;
- (5) Culverts, catch basins, drains, sewers and manholes;
- (6) Inlets and outlets;
- (7) Retaining walls, bridges, overpasses, underpasses, tunnels and approaches;
- (8) Artificial lights and lighting equipment, parkways, control of vegetation and sprinkling facilities;
- (9) Rights of way;
- (10) Grade and traffic separators;

(11) Fences, cattle guards and other devices to control access to a county or city road;

(12) Signs and devices for the control of traffic; and

(13) Facilities for personnel and the storage of equipment used to construct, maintain or repair a county or city road.

(c) "Improved road or street" means a road or street that is, at least:

(1) Aligned and graded to allow reasonably convenient use by a motor vehicle; and

(2) Drained sufficiently by a longitudinal and transverse drainage system to prevent serious impairment of the road or street by surface water.

~~[(d) "Subcommittee" means the subcommittee appointed pursuant to NRS 218.53884.]~~

Sec. 6. 1. This section and sections 3 and 4 of this act become effective on July 1, 2001.

2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 2001.

3. Sections ~~[1,]~~ 3 and 4 of this act expire by limitation on July 1, 2005.

4. Section 2 of this act becomes effective ~~[at 12:01 a.m.]~~ on July 1, 2005.

**Sec. 43.** Section 12 of chapter 340, Statutes of Nevada 2001, at page 1614, is hereby amended to read as follows:

Sec. 12. 1. This section and sections 1 to 5, inclusive, 7, 7.5 and 8 of this act become effective on October 1, 2001.

2. Section 6 of this act becomes effective on October 1, 2005.

3. Sections ~~[9,]~~ 10 and 11 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

4. ~~[Sections 2, 5 and 9]~~ **Section 2** of this act ~~[expire]~~ **expires** by limitation on September 30, 2005.

5. **Section 9 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state**

*to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:*

*(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or*

*(b) Are in arrears in the payment for the support of one or more children,*  
*are repealed by the Congress of the United States only if that date occurs before September 30, 2005. If section 9 of this act becomes effective, that section expires by limitation on September 30, 2005.*

**Sec. 44.** Section 16 of chapter 344, Statutes of Nevada 2001, at page 1636, is hereby amended to read as follows:

Sec. 16. 1. This section and ~~[section]~~ *sections 13 and 15* of this act become effective upon passage and approval.

2. Sections 1 and 12 of this act become effective upon passage and approval for the purpose of adopting regulations and at 12:01 a.m. on October 1, 2001, for all other purposes.

3. Sections 2, 3, 4 and 6 to 10, inclusive, of this act become effective on July 1, 2001.

4. Section 5 of this act becomes effective at 12:01 a.m. on July 1, 2001.

5. Section 14 of this act becomes effective at 12:02 a.m. on July 1, 2001.

6. ~~[Sections 11 and 13]~~ *Section 11* of this act ~~[become]~~ *becomes* effective at 12:01 a.m. on October 1, 2001.

**Sec. 45.** Sections 3 and 4 of chapter 345, Statutes of Nevada 2001, at pages 1638 and 1639, respectively, are hereby amended to read respectively as follows:

Sec. 3. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless :

*(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or*

*(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this state who is trained to conduct psychosexual evaluations or a psychiatrist licensed to*

practice medicine in this state *who is certified by the American Board of Psychiatry and Neurology and is trained to conduct psychosexual evaluations* certifies *in a written report to the court* that the person ~~is not a menace to the health, safety or morals of others.~~ *convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.*

2. This section does not create a right in any person to be certified or *to* continue to be certified. ~~and no~~ *No* person may bring a cause of action against the state, its political subdivisions, *or the* agencies, boards, commissions, departments, officers or employees *of the state or its political subdivisions* for not certifying *a person pursuant to this section* or *for* refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) Incest pursuant to NRS 201.180.

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(h) Open or gross lewdness pursuant to NRS 201.210.

(i) Indecent or obscene exposure pursuant to NRS 201.220.

(j) Lewdness with a child pursuant to NRS 201.230.

(k) Sexual penetration of a dead human body pursuant to NRS 201.450.

(l) Luring a child using a computer, system or network pursuant to section 4 of ~~this act.~~ *Senate Bill No. 551 of this session*, if punished as a felony.

(m) A violation of NRS 207.180.

(n) An attempt to commit an offense listed in paragraphs (b) to (m), inclusive.

(o) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 4. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of his probation for the entire period thereof;

(b) Is recommended for earlier discharge by the division;  
or

(c) Has demonstrated his fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court,  
may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. A person honorably discharged from probation ~~is~~:

(a) *Is* free from the terms and conditions of his probation ~~and~~;

(b) *If he meets the requirements of NRS 176A.860*, may apply to the division ~~[, in person or by attorney, pursuant to NRS 176A.860, for the] to request a~~ restoration of his civil rights ; and ~~[, to the court, pursuant to]~~

(c) *If he meets the requirements of* NRS 179.245, *may apply to the court* for the sealing of records relating to his conviction. ~~He~~

*The person* must be informed of ~~these privileges~~ *the provisions of this section and NRS 176A.860 and 179.245* in his probation papers.

4. A person honorably discharged from probation who has had his civil rights restored by the court:

(a) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

(b) May vote, hold office or serve as a juror.

(c) Shall disclose the conviction to a gaming establishment and *to* the state ~~and~~ *and* its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

(d) Except as otherwise provided in paragraph (c), need not disclose the conviction to an employer or prospective employer.

5. The prior conviction of a person whose civil rights have been restored or who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person who has had his civil rights restored or who has been honorably discharged

from probation, the prior conviction may be pleaded and proved if otherwise admissible.

**Sec. 46.** Section 2 of chapter 346, Statutes of Nevada 2001, at page 1642, is hereby amended to read as follows:

Sec. 2. NRS 244A.7641 is hereby amended to read as follows:

244A.7641 As used in NRS 244A.7641 to 244A.7647, inclusive, ~~and~~ section 1 of ~~[this act.]~~ *Senate Bill No. 569 of this session and section 1 of this act*, unless the context otherwise requires:

1. "Mobile telephone service" means cellular or other service to a telephone installed in a vehicle or which is otherwise portable.

2. *"Place of primary use" has the meaning ascribed to it in 4 U.S.C. § 124(8), as that section existed on August 1, 2002.*

3. "Supplier" means a person authorized by the Federal Communications Commission to provide mobile telephone service.

**Sec. 47.** Section 10 of chapter 350, Statutes of Nevada 2001, at page 1660, is hereby amended to read as follows:

Sec. 10. NRS 280.266 is hereby amended to read as follows:

280.266 1. Upon the adoption of a resolution pursuant to NRS 350.087, the committee may issue a medium-term obligation to purchase capital equipment or enter into a lease-purchase agreement for capital equipment.

2. The committee is not required to comply with the provisions of NRS 350.089 if it enters a lease-purchase agreement for capital equipment.

3. *If a participating political subdivision withdraws from the department, the withdrawing political subdivision becomes liable for the proportion of the indebtedness for the medium-term obligations issued pursuant to this section that is attributable to the withdrawing political subdivision based on the percentage of the department's expenses paid by the withdrawing political subdivision pursuant to the formula in effect at the time the medium-term obligations were issued.*

4. *Each participating political subdivision at the time of dissolution becomes liable for the proportion of the indebtedness for the medium-term obligations issued pursuant to this section that is attributable to each participating political subdivision based on the percentage of the department's expenses paid by each participating*

*political subdivision pursuant to the formula in effect at the time the medium-term obligations were issued.*

**Sec. 48.** Sections 7 and 12 of chapter 356, Statutes of Nevada 2001, at pages 1683 and 1689, respectively, are hereby amended to read respectively as follows:

Sec. 7. NRS 278.260 is hereby amended to read as follows:

278.260 1. The governing body shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts are determined, established, enforced and amended.

2. A zoning regulation, restriction or boundary *or an amendment thereto* must not become effective until after *transmittal of a copy of the relevant application to the town board, citizens' advisory council or town advisory board pursuant to subsection 5, if applicable, and after* a public hearing at which parties in interest and other persons have an opportunity to be heard. The governing body shall cause notice of the time and place of the hearing to be:

(a) Published in an official newspaper, or a newspaper of general circulation, in the city, county or region; and

(b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question,

at least 10 days before the hearing.

3. If ~~the~~ *a* proposed amendment involves a change in the boundary of a zoning district in a county whose population is less than 400,000, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 300 feet of the portion of the boundary being changed;

(c) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language

which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change, must indicate the existing zoning designation, and the proposed zoning designation, of the property in question, and must contain a brief summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment.

4. If ~~the~~ a proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent at least 10 days before the hearing to:

- (a) The applicant;
- (b) Each owner, as listed on the county assessor's records, of real property located within 500 feet ~~from~~ of the portion of the boundary being changed;
- (c) The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and
- (d) Any advisory board which has been established for the affected area by the governing body.

The notice must be sent by mail or, if requested by a party to whom notice must be provided pursuant to paragraphs (a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified, and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change, must indicate the existing zoning designation, and the proposed zoning designation, of the property in question, and must contain a brief summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the zoning district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment.

5. *If an application is filed with the governing body and the application involves a change in the boundary of a zoning district within an unincorporated town that is located more than 10 miles from an incorporated city, the governing body shall, at least 10 days before the hearing on the application is held pursuant to subsection 2, transmit a copy of any information pertinent to the application to the town board, citizens' advisory council or town advisory board, whichever is applicable, of the unincorporated town. The town board, citizens' advisory council or town advisory board may make recommendations regarding the application and submit its recommendations before the hearing on the application is held pursuant to subsection 2. The governing body or other authorized person or entity conducting the hearing shall consider any recommendations submitted by the town board, citizens' advisory council or town advisory board regarding the application and, within 10 days after making its decision on the application, transmit a copy of its decision to the town board, citizens' advisory council or town advisory board.*

6. If a notice is required to be sent pursuant to subsection 4:

- (a) The exterior of a notice sent by mail; or
  - (b) The cover sheet, heading or subject line of a notice sent by electronic means,
- must bear a statement in at least 10-point bold type or font in substantially the following form:

#### OFFICIAL NOTICE OF PUBLIC HEARING

~~6.~~ 7. In addition to sending the notice required pursuant to subsection 4, in a county whose population is 400,000 or more, the governing body shall, not later than 10 days before the hearing, erect or cause to be erected on the property, at least one sign not less than 2 feet high and 2 feet wide. The sign must be made of material reasonably calculated to withstand the elements for 40 days. The governing body must be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:

- (a) The existing zoning designation of the property in question;
- (b) The proposed zoning designation of the property in question;
- (c) The date, time and place of the public hearing;

(d) A telephone number which may be used by interested persons to obtain additional information; and

(e) A statement which indicates whether the proposed zoning designation of the property in question complies with the requirements of the master plan of the city or county in which the property is located.

~~7.1~~ **8.** A sign required pursuant to subsection ~~6.1~~ **7** is for informational purposes only, and must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.

~~8.1~~ **9.** A governing body may charge an additional fee for each application to amend an existing zoning regulation, restriction or boundary to cover the actual costs resulting from the mailed notice required by this section and the erection of not more than one of the signs required by subsection ~~6.1~~ **7**, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.

~~9.1~~ **10.** The governing body shall remove or cause to be removed any sign required by subsection ~~6.1~~ **7** within 5 days after the final hearing for the application for which the sign was erected. There must be no additional charge to the applicant for such removal.

~~10.1~~ **11.** If a proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more that would reduce the density or intensity with which a parcel of land may be used and at least 20 percent of the property owners to whom notices were sent pursuant to subsection 4 indicate in their responses opposition to the proposed amendment, the governing body shall not approve the proposed amendment unless the governing body:

(a) Considers separately the merits of each aspect of the proposed amendment to which the owners expressed opposition; and

(b) Makes a written finding that the public interest and necessity will be promoted by approval of the proposed amendment.

~~11.1~~ **12.** The governing body of a county whose population is 400,000 or more shall not approve a zoning regulation, restriction or boundary, or an amendment thereof, that affects any unincorporated area of the county that is surrounded completely by the territory of an incorporated city without sending a notice to the governing body of the city. The governing body of the city, or its designee, must submit any recommendations to the governing body of the county within 15 days after receiving the notice. The governing body

of the county shall consider any such recommendations. If the governing body of the county does not accept a recommendation, the governing body of the county, or its authorized agent, shall specify for the record the reasons for its action.

Sec. 12. 1. This section and sections 1, 2, 3, 5 ~~to 8, inclusive,~~ 6, 8, 10 and 11 of this act become effective on October 1, 2001.

2. *Section 7 of this act becomes effective at 12:01 a.m. on October 1, 2001.*

3. Sections 4 and 9 of this act become effective on January 1, 2002.

**Sec. 49.** 1. Section 14 of chapter 358, Statutes of Nevada 2001, at page 1697, is hereby amended to read as follows:

Sec. 14. The amendatory provisions of *sections 1 to 13, inclusive,* of this act apply to:

1. A petition for an order to seal records pursuant to NRS 179.245 or 179.255 that is filed on or after the effective date of this act.

2. An application for restoration of civil rights pursuant to NRS 176A.860, 213.090, 213.155 or 213.157 that is filed on or after the effective date of this act.

2. Chapter 358, Statutes of Nevada 2001, at page 1697, is hereby amended by adding thereto new sections to be designated as sections 13.3 and 13.7, immediately following section 13, to read respectively as follows:

Sec. 13.3. Section 7 of chapter 345, Statutes of Nevada 2001, at page 1641, is hereby amended to read as follows:

Sec. 7. 1. The amendatory provisions of sections 1, 2 and 3 of this act apply to any person who is given a psychosexual evaluation pursuant to NRS 176.139 or who is subject to the provisions of NRS 176A.110 on or after October 1, 2001, whether or not the person was convicted before, on or after October 1, 2001.

2. The amendatory provisions of ~~sections 4 and 5~~ *section 4* of this act apply to any person who applies to the division of parole and probation of the department of motor vehicles and public safety to request a restoration of his civil rights pursuant to NRS 176A.860 on or after October 1, 2001, whether or not the person was convicted before, on or after October 1, 2001.

3. The amendatory provisions of section 6 of this act apply to any person who is subject to the provisions of NRS 213.1214 on or after October 1, 2001, whether or not the person was convicted before, on or after October 1, 2001.

Sec. 13.7. Section 5 of chapter 345, Statutes of Nevada 2001, at page 1640, is hereby repealed.

**Sec. 50.** Section 1 of chapter 360, Statutes of Nevada 2001, at page 1698, is hereby amended to read as follows:

Section 1. NRS 48.061 is hereby amended to read as follows:

48.061 ~~Evidence~~

*1. Except as otherwise provided in subsection 2, evidence of domestic violence ~~as defined in NRS 33.018~~ and expert testimony concerning the effect of domestic violence, including, without limitation, the effect of physical, emotional or mental abuse, on the beliefs, behavior and perception of the ~~person alleging~~ alleged victim of the domestic violence that is offered by the prosecution or defense is admissible in ~~chief and in rebuttal,~~ a criminal proceeding for any relevant purpose, including, without limitation, when determining:*

~~1.~~ (a) Whether a ~~person~~ defendant is excepted from criminal liability pursuant to subsection 6 of NRS 194.010, to show the state of mind of the defendant.

~~2.~~ (b) Whether a ~~person~~ defendant in accordance with NRS 200.200 has killed another in self-defense, toward the establishment of the legal defense.

*2. Expert testimony concerning the effect of domestic violence may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.*

*3. As used in this section, "domestic violence" means the commission of any act described in NRS 33.018.*

**Sec. 51.** Section 8 of chapter 365, Statutes of Nevada 2001, at page 1719, is hereby amended to read as follows:

Sec. 8. NRS 488.580 is hereby amended to read as follows:

488.580 1. A person shall not operate or authorize another person to operate a personal watercraft under his ownership or control:

(a) In a reckless or negligent manner so as to endanger the life or property of another person.

(b) Unless the operator and each passenger is wearing a personal flotation device of a type approved by the United States Coast Guard and prescribed by the regulations of the commission.

(c) Unless the operator is at least ~~12~~ 14 years of age.

*(d) Unless the operator satisfies any applicable provisions of section 5 of this act.*

2. There is prima facie evidence that a person is operating a personal watercraft in a reckless or negligent manner if that person commits two or more of the following acts simultaneously:

(a) Operates the personal watercraft within a zone closer than 5 lengths of the longest vessel, unless both are leaving a flat wake or traveling at a speed of not more than 5 nautical miles per hour.

(b) Operates the personal watercraft in the vicinity of a motorboat in a manner that obstructs the visibility of either operator.

(c) Heads into the wake of a motorboat which is within a zone closer than 5 lengths of the longest vessel and causes one-half or more of the length of the personal watercraft to leave the water.

(d) Within a zone closer than 5 lengths of the longest vessel, maneuvers quickly, turns sharply or swerves, unless the maneuver is necessary to avoid collision.

3. As used in this section, "personal watercraft" means a class A motorboat which:

(a) Is less than 13 feet in length;

(b) Is designed to be operated by a person sitting, standing or kneeling on, rather than in, the motorboat;

(c) Is capable of performing sharp turns or quick maneuvers; and

(d) Has a motor that exceeds 10 horsepower.

**Sec. 52.** 1. Sections 12, 20, 42, 55, 57, 63 and 73 of chapter 370, Statutes of Nevada 2001, at pages 1736, 1740, 1750, 1755, 1756, 1759 and 1762, respectively, are hereby amended to read respectively as follows:

Sec. 12. NRS 247.110 is hereby amended to read as follows:

247.110 1. When a document authorized by law to be recorded is deposited in the county recorder's office for recording, the county recorder shall:

(a) Endorse upon it the time when it was received, noting:

(1) The year, month, day, hour and minute of its reception;

(2) The document number; and

(3) The amount of fees collected for recording the document.

(b) Record the document without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to it, with the plats, surveys, schedules and other papers thereto annexed, in the order in which the papers are received for recording.

(c) Note at the upper right corner of the record and upon the document, *except a map*, so recorded the exact time of its reception, and the name of the person at whose request it was recorded.

(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that he received the original, and return the copy to the person who presented it.

2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded.

3. A county recorder shall not refuse to record a document on the grounds that the document is not legally effective to accomplish the purposes stated therein.

**4. A document, except a map, that is submitted for recording must:**

**(a) Be on paper that is 8 1/2 inches by 11 inches in size;**

**(b) Have a margin of 1 inch on the left and right sides and at the bottom of each page; and**

**(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.**

Sec. 20. NRS 247.180 is hereby amended to read as follows:

247.180 1. Except as otherwise provided in NRS 111.312, whenever ~~{an instrument}~~ **a document** conveying, encumbering or mortgaging both real and personal property is presented to ~~{any}~~ **a** county recorder for recording, the county recorder shall record the ~~{instrument in a book kept by him for that purpose, which}~~ **document. The** record must be indexed in the real estate index as deeds and other conveyances are required by law to be indexed, and for which ~~{he}~~ **the county recorder** may receive the same fees as are allowed by law for recording and indexing deeds and other ~~{instruments,}~~ **documents**, but only one fee for the recording of ~~{any instrument}~~ **a document** may be collected.

2. A county recorder who records ~~{an instrument}~~ **a document** pursuant to this section shall, within 7 working days after he records the ~~{instrument,}~~ **document**, provide to the county assessor at no charge:

(a) A duplicate copy of the ~~{instrument}~~ **document** and any supporting documents; or

(b) Access to the digital ~~{instrument}~~ **document** and any digital supporting documents.

Sec. 42. NRS 39.040 is hereby amended to read as follows:

39.040 Immediately after filing the complaint, the plaintiff shall ~~file~~ **record** with the recorder of the county in which the property is situated, a notice of the pendency of the action, containing the names of the parties so far as known, the object of the action ~~;~~ and a description of the property to be affected thereby. From the time of the ~~filing~~ **recording** of the notice, except as otherwise provided in NRS 14.017, it shall be deemed notice to all persons.

Sec. 55. NRS 123.150 is hereby amended to read as follows:

123.150 1. ~~When~~ **If** a married person is a resident of this state, the ~~filing for record~~ **recording** of the inventory of ~~such~~ **the** person's separate property in the office of the recorder of the county in which ~~such~~ **the** person resides is notice of ~~such~~ **the** person's title to the ~~same;~~ **separate property**, except as to any real property situate in another county, ~~;~~ and as to ~~such~~ **that** real property, the ~~filing for record~~ **recording** of the inventory thereof in the office of the recorder of the county where the same is situate, is notice of ~~such~~ **the** person's title thereto.

2. ~~When~~ **If** a married person is not a resident of this state, the ~~filing for record~~ **recording** of the inventory of ~~such~~ **the** person's separate property in the office of the recorder of the county where any portion of ~~such~~ **the** property, real or personal, included in the inventory is situate, located or used, is notice of ~~such~~ **the** person's title as to all ~~such~~ **that** property situate, located or used in ~~such~~ **that** county.

Sec. 57. NRS 234.250 is hereby amended to read as follows:

234.250 1. In addition to any other requirement of law, each local government, as defined in NRS 354.474, shall ~~file a copy of its~~ **record the original** official plat with:

(a) The county recorder, the county clerk or the registrar of voters, and the county assessor of each county in which its territory or any part thereof is situated.

(b) The department of taxation.

2. All changes in boundaries made ~~subsequent to~~ **after** the original ~~filing and~~ **recording** of such plat ~~shall~~ **must** be recorded ~~and filed~~ immediately with the offices with which copies of the original plat were ~~filed;~~ **recorded**.

3. Until a local government complies with the requirements of subsections 1 and 2, it shall not levy or

receive any ad valorem or other tax or any other mandatory assessment.

4. This section applies to all local governments receiving and expending funds on behalf of the public, regardless of their designation.

Sec. 63. NRS 277.140 is hereby amended to read as follows:

277.140 As conditions precedent to the entry into force of any agreement made pursuant to NRS 277.080 to 277.170, inclusive:

1. The agreement must be submitted to the attorney general, who shall determine whether it is in proper form and compatible with the laws of this state. The attorney general shall set forth in detail, in writing, addressed to the governing bodies of the public agencies concerned, any specific respects in which he finds that the proposed agreement fails to ~~meet~~ *comply with* the requirements of law. Any failure by the attorney general to disapprove an agreement submitted under the provisions of this section within 30 days after its submission shall be deemed to constitute his approval.

2. If the agreement is in writing, it must be ~~filed~~ *recorded* with the county recorder of each county in which a participating political subdivision of this state is located, and *filed* with the secretary of state.

Sec. 73. 1. This section and sections 1 to 11, inclusive, 13 to 19, inclusive, 21 to 52, inclusive, 54 to 59, inclusive, 61 ~~[to 65, inclusive,]~~ , *62, 64, 65*, 67 and 69 to 72, inclusive, of this act become effective on July 1, 2001.

2. Sections 20, 53, 60 , *63* and 66 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Section 12 of this act becomes effective on July 1, 2003.

2. Chapter 370, Statutes of Nevada 2001, at page 1762, is hereby amended by adding thereto new sections to be designated as sections 70.3 and 70.5, immediately following section 70, to read respectively as follows:

Sec. 70.3. NRS 329.010 is hereby amended to read as follows:

329.010 This chapter may be cited as the Corner Perpetuation and ~~Filing~~ *Recording* Law.

Sec. 70.5. NRS 329.020 is hereby amended to read as follows:

329.020 It is the purpose of this chapter to protect and perpetuate public land survey corners and information concerning the location of such corners by requiring the systematic establishment of monuments and ~~filing~~

*recording* of information concerning the location of such corners, thereby providing for property security and a coherent system of property location and identification, and eliminating the repeated necessity for reestablishment and relocations of such corners once they are established and located.

3. Chapter 370, Statutes of Nevada 2001, at page 1762, is hereby amended by adding thereto new sections to be designated as sections 71.1, 71.2, 71.3, 71.4 and 71.5, immediately following section 71, to read respectively as follows:

Sec. 71.1. NRS 329.145 is hereby amended to read as follows:

329.145 A surveyor is not required to ~~file~~ *record* a corner record if:

1. A corner record is ~~on-file~~ *recorded* with the county recorder and the corner is found as described in the record; and

2. All information required in a corner record pursuant to this chapter is included in:

(a) A record of survey ~~filed~~ *recorded* in accordance with the provisions of NRS 625.340 to 625.380, inclusive; or

(b) A land subdivision map recorded in accordance with the provisions of NRS 278.010 to 278.630, inclusive.

Sec. 71.2. NRS 329.150 is hereby amended to read as follows:

329.150 A surveyor may ~~file~~ *record* any corner record as to any property corner, property-controlling corner, reference monument or accessory to a corner.

Sec. 71.3. NRS 329.160 is hereby amended to read as follows:

329.160 The board shall, by regulation, prescribe the information which is to be included in the corner record and the form in which such corner record is to be presented and ~~filed.~~ *recorded.*

Sec. 71.4. NRS 329.180 is hereby amended to read as follows:

329.180 Where a corner record of a public land survey corner is required to be ~~filed under~~ *recorded pursuant to* the provisions of this chapter, the surveyor must reconstruct or rehabilitate the monument of such corner and the accessories to such corner so that such corner and accessories may be readily located at any time in the future.

Sec. 71.5. NRS 329.190 is hereby amended to read as follows:

329.190 No corner record may be ~~filed~~ *recorded* unless it is signed by a professional land surveyor or, in the

case of any agency of the United States Government, by the official making the survey, who shall designate his official title and the agency for which he is employed.

**Sec. 53.** 1. Sections 7, 9, 22, 47, 50, 54, 68 and 69 of chapter 374, Statutes of Nevada 2001, at pages 1795, 1798, 1814, 1817, 1820 and 1829, are hereby amended to read respectively as follows:

Sec. 7. NRS 354.470 is hereby amended to read as follows:

354.470 NRS 354.470 to 354.626, inclusive, ~~and~~ section 1 of ~~this act~~ *Senate Bill No. 125 of this session and sections 2 to 5, inclusive, of this act*, may be cited as the Local Government Budget *and Finance* Act.

Sec. 9. NRS 354.475 is hereby amended to read as follows:

354.475 1. All special districts subject to the provisions of the Local Government Budget *and Finance* Act with annual total expenditures of less than ~~[\$100,000]~~ *\$200,000* may petition the department of taxation for exemption from the requirements of the Local Government Budget *and Finance* Act for the filing of certain budget documents and audit reports. Such districts may further petition to ~~return to~~ *use* a cash ~~method~~ *basis* of accounting. The minimum required of such districts is the filing with the department of taxation of an annual budget on or before April 15 of each year and the filing of fiscal reports in accordance with section 1 of ~~this act~~ *Senate Bill No. 125 of this session*. Such petitions must be received by the department of taxation *on or* before ~~December 31~~ *April 15* to be effective for the succeeding fiscal year or, in a case of an annual audit exemption, to be effective for the current fiscal year. A board of county commissioners may request the department of taxation to audit the financial records of such an exempt district.

2. Such districts are exempt from all publication requirements of the Local Government Budget *and Finance* Act, except that the department of taxation by regulation shall require an annual publication of a notice of budget adoption and filing. The department of taxation shall adopt regulations pursuant to NRS 354.594 which are necessary to carry out the purposes of this section.

3. The revenue recorded in accounts that are kept on a cash basis must consist of cash items.

4. As used in this section, "cash basis" means the system of accounting under which revenues are recorded only when received and expenditures or expenses are recorded only when paid.

Sec. 22. NRS 354.535 is hereby amended to read as follows:

354.535 “General long-term debt” means debt which is legally payable from general revenues and is backed by the full faith and credit of a governmental unit. The term includes ~~[debt represented by local government securities]~~ *obligations issued by a local government* pursuant to chapter 350 of NRS and ~~[debt created for medium term obligations pursuant to NRS 350.087 to 350.095, inclusive.]~~ *other long-term liabilities, including, without limitation, accrued compensated absences and claims for workers’ compensation.*

Sec. 47. NRS 354.665 is hereby amended to read as follows:

354.665 1. If a local government does not file a statement, report or other document as required by the provisions of NRS 350.0035, 354.6025, 354.624, 354.6245, 387.303 or section 1 of ~~[this act]~~ *Senate Bill No. 125 of this session* within 15 days after the day on which it was due, the executive director shall notify the governing body of the local government in writing that the report is delinquent. The notification must be noted in the minutes of the first meeting of the governing body following transmittal of the notification.

2. If the required report is not received by the department within 45 days after the day on which the report was due, the executive director shall notify the governing body that the presence of a representative of the governing body is required at the next practicable scheduled meeting of the ~~[Nevada tax commission]~~ *committee* to explain the reason that the report has not been filed. The notice must be transmitted to the governing body at least 5 days before the date on which the meeting will be held.

3. If an explanation satisfactory to the ~~[Nevada tax commission]~~ *committee* is not provided at the meeting as requested in the notice and an arrangement is not made for the submission of the report, the ~~[commission]~~ *committee* may instruct the executive director to request that the state treasurer withhold from the local government the next distribution ~~[of the supplemental city county relief tax]~~ *from the local government tax distribution account* if the local government is otherwise entitled to receive such a distribution or of the Local School Support Tax if the local government is a school district. Upon receipt of such a request, the state treasurer shall withhold the payment and all future payments

until he is notified by the executive director that the report has been received by the department.

Sec. 50. NRS 354.705 is hereby amended to read as follows:

354.705 1. As soon as practicable after the department takes over the management of a local government, the executive director shall:

(a) Determine the total amount of expenditures necessary to allow the local government to perform the basic functions for which it was created;

(b) Determine the amount of revenue reasonably expected to be available to the local government; and

(c) Consider any alternative sources of revenue available to the local government.

2. If the executive director determines that the available revenue is not sufficient to provide for the payment of required debt service and operating expenses, he may submit his findings to the committee who shall review the determinations made by the executive director. If the committee determines that additional revenue is needed, it shall prepare a recommendation to the Nevada tax commission as to which one or more of the following additional taxes or charges should be imposed by the local government:

(a) The levy of a property tax up to a rate which when combined with all other overlapping rates levied in the state does not exceed \$4.50 on each \$100 of assessed valuation.

(b) An additional tax on transient lodging at a rate not to exceed 1 percent of the gross receipts from the rental of transient lodging within the boundaries of the local government upon all persons in the business of providing lodging. Any such tax must be collected and administered in the same manner as all other taxes on transient lodging are collected by or for the local government.

(c) Additional service charges appropriate to the local government.

(d) If the local government is a county or has boundaries that are coterminous with the boundaries of the county:

(1) An additional tax on the gross receipts from the sale or use of tangible personal property not to exceed one quarter of 1 percent throughout the county. The ordinance imposing any such tax must include provisions in substance which comply with the requirements of subsections 2 to 5, inclusive, of NRS 377A.030.

(2) An additional governmental services tax of not more than 1 cent on each \$1 of valuation of the vehicle for

the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except those vehicles exempt from the governmental services tax imposed pursuant to chapter 371 of NRS or a vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations. As used in this subparagraph, "based" has the meaning ascribed to it in NRS 482.011.

3. Upon receipt of the plan from the committee, a panel consisting of ~~three members of the committee appointed by the committee and~~ three members of the Nevada tax commission appointed by the Nevada tax commission *and three members of the committee appointed by the committee* shall hold a public hearing at a location within the boundaries of the local government in which the severe financial emergency exists after giving public notice of the hearing at least 10 days before the date on which the hearing will be held. In addition to the public notice, the panel shall give notice to the governing body of each local government whose jurisdiction overlaps with the jurisdiction of the local government in which the severe financial emergency exists.

4. After the public hearing conducted pursuant to subsection 3, the Nevada tax commission may adopt the plan as submitted or adopt a revised plan. Any plan adopted pursuant to this section must include the duration for which any new or increased taxes or charges may be collected which must not exceed 5 years.

5. Upon adoption of the plan by the Nevada tax commission, the local government in which the severe financial emergency exists shall impose or cause to be imposed the additional taxes and charges included in the plan for the duration stated in the plan or until the severe financial emergency has been determined by the Nevada tax commission to have ceased to exist.

6. The allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 does not apply to any additional property tax levied pursuant to this section.

*7. If a plan fails to satisfy the expenses of the local government to the extent expected, the committee shall report such failure to:*

*(a) The county for consideration of absorption of services; or*

*(b) If the local government is a county, to the next regular session of the legislature.*

Sec. 54. NRS 218.53881 is hereby amended to read as follows:

218.53881 1. There is hereby established a legislative committee for local government taxes and finance consisting of:

(a) Two members appointed by the majority leader of the senate from the membership of the senate standing committee on government affairs during the immediately preceding session of the legislature;

(b) Two members appointed by the majority leader of the senate from the membership of the senate standing committee on taxation during the immediately preceding session of the legislature;

(c) Two members appointed by the speaker of the assembly from the membership of the assembly standing committee on government affairs during the immediately preceding session of the legislature; and

(d) Two members appointed by the speaker of the assembly from the membership of the assembly standing committee on taxation during the immediately preceding session of the legislature.

2. The committee shall consult with an advisory committee consisting of the executive director of the department of taxation and 10 members who are representative of various geographical areas of the state and are appointed for terms of 2 years commencing on July 1 of each odd-numbered year as follows:

(a) One member of the committee on local government finance created pursuant to ~~NRS 266.0165~~ *section 4 of this act* appointed by the Nevada League of Cities;

(b) One member of the committee on local government finance created pursuant to ~~NRS 266.0165~~ *section 4 of this act* appointed by the Nevada Association of Counties;

(c) One member of the committee on local government finance created pursuant to ~~NRS 266.0165~~ *section 4 of this act* appointed by the Nevada School Trustees Association;

(d) Three members involved in the government of a county appointed by the Nevada Association of Counties;

(e) Three members involved in the government of an incorporated city appointed by the Nevada League of Cities; and

(f) One member who is a member of a board of trustees for a general improvement district appointed by the legislative commission.

The members of the advisory committee are nonvoting members of the committee. When meeting as the advisory

committee, the members shall comply with the provisions of chapter 241 of NRS.

3. The legislative members of the committee shall elect a chairman from one house of the legislature and a vice chairman from the other house. Each chairman and vice chairman holds office for a term of 2 years commencing on July 1 of each odd-numbered year.

4. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the legislature convenes.

5. Vacancies on the committee must be filled in the same manner as original appointments.

6. The committee shall report annually to the legislative commission concerning its activities and any recommendations.

Sec. 68. *1. Sections 41, 42 and 46 of chapter 456, Statutes of Nevada 2001, at pages 2324 and 2330, are hereby repealed.*

*2. NRS 266.0165, 354.478, 354.480, 354.481, 354.488, 354.514, 354.522, 354.540, 354.542, 354.551, 354.558, 354.564, 354.566, 354.576, 354.580, 354.588, ~~354.595,~~ 354.5984, 354.59871, 354.59872, 354.606, 354.610, 354.6107, 354.611, 354.6145, 354.615, 354.621 and 354.622 are hereby repealed.*

*3. NRS 354.595 is hereby repealed.*

Sec. 69. *1. This section, ~~and~~ sections 67.3 and 67.5 of this act and subsection 1 of section 68 of this act become effective on June 30, 2001.*

*2. Sections 1 to ~~9,~~ 6, inclusive, 8, 11 to 21, inclusive, 23 to 28, inclusive, 30 to 43, inclusive, 45 ~~to 49, inclusive, and~~, 46, 48, 49, 51, 52, 53 and 55 to ~~68,~~ 67, inclusive, of this act and subsection 2 of section 68 of this act become effective on July 1, 2001.*

~~2.~~ *3. Sections 7, 9, 10, 22, 29, 44 ~~and 50~~, 47 and 54 of this act and subsection 3 of section 68 of this act become effective at 12:01 a.m. on July 1, 2001.*

*4. Section 50 of this act becomes effective at 12:02 a.m. on July 1, 2001.*

*5. Section 54 of this act expires by limitation on July 1, 2005.*

2. Chapter 374, Statutes of Nevada 2001, at page 1829, is hereby amended by adding thereto new sections to be designated as sections 67.3 and 67.5, immediately following section 67, to read respectively as follows:

Sec. 67.3. Sections 31 and 62 of chapter 407, Statutes of Nevada 2001, at pages 1980 and 2000, respectively, are hereby amended to read respectively as follows:

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 ~~50,000~~ *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 ~~50,000,~~ *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 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 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. 62. 1. This section and sections 1, 3, 5 to 13, inclusive, 15 to 18, inclusive, 20 , ~~and~~ 22 to 30, *inclusive, and 32 to* 61, inclusive, of this act become effective on July 1, 2001.

2. Sections 4, 14, 19 , ~~and~~ 21 *and 31* of this act become effective at 12:01 a.m. on July 1, 2001.

Sec. 67.5. Sections 33, 58 and 60 of chapter 456, Statutes of Nevada 2001, at pages 2318 and 2338, are hereby amended to read respectively as follows:

Sec. 33. NRS 354.475 is hereby amended to read as follows:

354.475 1. All special districts subject to the provisions of the Local Government Budget and Finance Act with annual total expenditures of less than \$200,000 may petition the department of taxation for exemption from the requirements of the Local Government Budget and Finance Act for the filing of certain budget documents and audit reports. Such districts may further petition to use a cash basis of accounting. The minimum required of such districts is the filing with the department of taxation of an annual budget on or before April 15 of each year and the filing of fiscal reports in accordance with section 1 of Senate Bill No. 125 of this session. Such petitions must be received by the department of taxation on or before April 15 to be effective for the succeeding fiscal year or, in a

case of an annual audit exemption, to be effective for the current fiscal year. A board of county commissioners may request the department of taxation to audit the financial records of such an exempt district.

2. Such districts are exempt from all publication requirements of the Local Government Budget and Finance Act, except that the department of taxation by regulation shall require an annual publication of a notice of budget adoption and filing. The ~~{department of taxation}~~ *committee on local government finance* shall adopt regulations pursuant to NRS 354.594 which are necessary to carry out the purposes of this section.

3. The revenue recorded in accounts that are kept on a cash basis must consist of cash items.

4. As used in this section, "cash basis" means the system of accounting under which revenues are recorded only when received and expenditures or expenses are recorded only when paid.

Sec. 58. NRS 350.085 ~~[, NRS 354.5235, 354.6107 and 354.611]~~ *and 354.5235* are hereby repealed.

Sec. 60. 1. This section and sections 48 and 59.5 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to ~~[35, inclusive, 41, 42, 46,]~~ *32, inclusive, 34, 35,* 49 to 52, inclusive, and 55 to 59, inclusive, of this act become effective on July 1, 2001.

3. Sections 36, 38, 39, 40, 43, 44, 47, 53 and 54 of this act become effective at 12:01 a.m. on July 1, 2001.

4. Sections 23, *33,* 37 and 45 of this act become effective at 12:02 a.m. on July 1, 2001.

5. Section 48 of this act expires by limitation on July 1, 2003.

**Sec. 54.** Sections 10, 14 and 20 of chapter 381, Statutes of Nevada 2001, at pages 1846, 1848 and 1851, respectively, are hereby amended to read respectively as follows:

Sec. 10. NRS 432B.530 is hereby amended to read as follows:

432B.530 1. An adjudicatory hearing must be held within 30 days after the filing of the petition, unless good cause is shown or the hearing has been continued until a later date pursuant to section 2 of ~~{this act.}~~ *Assembly Bill No. 429 of this session.*

2. At the hearing, the court shall inform the parties of the specific allegations in the petition and give them an opportunity to admit or deny them. If the allegations are denied, the court shall hear evidence on the petition.

3. In adjudicatory hearings , all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value. The parties or their attorney must be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports when reasonably available.

4. The court may require the child to be present in court at the hearing.

5. If the court finds by a preponderance of the evidence that the child ~~is~~ *was* in need of protection ~~is~~ *at the time of his removal from his home*, it shall record its findings of fact and may proceed immediately or at another hearing held within 15 working days, to make a proper disposition of the case. If the court finds that the allegations in the petition have not been established, it shall dismiss the petition and, if the child is in protective custody, order the immediate release of the child.

Sec. 14. NRS 432B.590 is hereby amended to read as follows:

432B.590 1. Except as otherwise provided in ~~NRS 432B.600 and~~ section 2 of ~~this act,~~ *Assembly Bill No. 429 of this session*, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from his home and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

Notice of this hearing must be given by registered or certified mail to all the persons to whom notice must be given pursuant to subsection 4 of NRS 432B.580.

2. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 an opportunity to be heard at the hearing.

3. At the hearing, the court shall ~~establish a~~ *review any plan for the permanent placement of the child adopted pursuant to section 2 of this act* and determine : ~~whether:~~

(a) *Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of section 2 of this act; and*

(b) *Whether, and if applicable when:*

(1) The child should be returned to his parents or *placed with* other relatives;

~~[(b) The child's placement in the foster home or other similar institution should be continued; or~~

~~—(e)] (2) It is in the best interests of the child to initiate proceedings to:~~

~~[(1)] (I) Terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption; or~~

~~[(2)] (II) Establish a guardianship pursuant to chapter 159 of NRS [1]; or~~

*(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of the child in another permanent living arrangement.*

*The court shall prepare an explicit statement of the facts upon which each of its determinations is based.* If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures.

*The provisions of this subsection do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.*

4. If a child has been placed outside of his home and has resided outside of his home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

5. This hearing may take the place of the hearing for review required by NRS 432B.580.

6. The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, or any relative or provider of foster care to become a party to the hearing.

Sec. 20. 1. This section and sections 16 and 17 of this act and subsection 1 of section 19 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, 6 to ~~[(5)] 9~~, inclusive, *11, 12, 13, 15* and 18 of this act and subsection 2 of section 19 of this act become effective on July 1, 2001.

3. *Sections 10 and 14 of this act become effective at 12:01 a.m. on July 1, 2001.*

4. Section 5 of this act becomes effective at 12:03 a.m. on July 1, 2001.

**Sec. 55.** 1. Sections 5, 6, 10 and 12 of chapter 384, Statutes of Nevada 2001, at pages 1860 and 1863, are hereby amended to read respectively as follows:

Sec. 5. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the department may authorize the new vehicle dealer to:

- (a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;
- (b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and
- (c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

- (a) Transmit the applications he receives to the department within the period prescribed by the department;
- (b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the department;
- (c) Comply with the regulations adopted pursuant to subsection 4; and
- (d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

- (a) Charge any additional fee for the performance of those services;
- (b) Receive compensation from the department for the performance of those services;
- (c) Accept applications for the renewal of registration of a motor vehicle; or
- (d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825, inclusive ~~§~~, *and sections 2, 3 and 4 of this act*; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The director shall adopt such regulations as are necessary to carry out the provisions of this section. The

regulations adopted pursuant to this subsection must provide for:

- (a) The expedient and secure issuance of license plates and decals by the department; and
- (b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the department.

Sec. 6. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

|   |        |
|---|--------|
| For a certificate of registration .....                   | \$5.00 |
| For every substitute number plate or set of plates.....   | 5.00   |
| For every duplicate number plate or set of plates.....    | 10.00  |
| For every decal displaying a county name .....            | .50    |
| For every other decal, license plate sticker or tab ..... | 5.00   |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, *and sections 2, 3 and 4 of this act*, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat

the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 10. 1. The amendatory provisions of section 2 of this act *and the references to that section set forth in sections 5 and 6 of this act* expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to the provisions of section 2 of this act.

2. The amendatory provisions of section 3 of this act *and the references to that section set forth in sections 5 and 6 of this act* expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to the provisions of section 3 of this act.

3. The amendatory provisions of section 4 of this act *and the references to that section set forth in sections 5 and 6 of this act* expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to the provisions of section 4 of this act.

Sec. 12. 1. This section and sections *5.5 and 8.1 to 8.9, inclusive, of this act become effective on June 30, 2001.*

2. *Sections* 7, 8 and 11 of this act become effective on July 1, 2001.

~~2.~~ 3. Sections 1 to 4, inclusive, 9 and 10 of this act become effective on October 1, 2001.

~~3.~~ 4. Sections 5 and 6 of this act become effective at 12:01 a.m. on October 1, 2001.

2. Chapter 384, Statutes of Nevada 2001, at page 1860, is hereby amended by adding thereto a new section to be designated as section 5.5, immediately following section 5, to read as follows:

Sec. 5.5. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration ..... \$5.00

|   |        |
|---|--------|
| For every substitute number plate or set of plates.....   | \$5.00 |
| For every duplicate number plate or set of plates.....    | 10.00  |
| For every decal displaying a county name .....            | .50    |
| For every other decal, license plate sticker or tab ..... | 5.00   |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute *of a* decal ~~requested~~ *issued* pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

3. Chapter 384, Statutes of Nevada 2001, at page 1863, is hereby amended by adding thereto new sections to be designated as sections 8.1 to 8.9, inclusive, immediately following section 8, to read respectively as follows:

Sec. 8.1. Section 3 of chapter 96, Statutes of Nevada 2001, at page 579, is hereby amended to read as follows:

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any

duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

|  |        |
|--|--------|
| For a certificate of registration .....                  | \$5.00 |
| For every substitute number plate or set of plates ..... | 5.00   |
| For every duplicate number plate or set of plates .....  | 10.00  |
| For every decal displaying a county name .....           | .50    |
| For every other decal, license plate sticker or tab..... | 5.00   |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, *and section 1 of this act*, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 8.2. Section 4 of chapter 99, Statutes of Nevada 2001, at page 586, is hereby amended to read as follows:

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

|  |        |
|--|--------|
| For a certificate of registration .....                  | \$5.00 |
| For every substitute number plate or set of plates ..... | 5.00   |
| For every duplicate number plate or set of plates .....  | 10.00  |
| For every decal displaying a county name .....           | .50    |
| For every other decal, license plate sticker or tab..... | 5.00   |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, **and section 1 of this act**, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) ~~For~~ **Except as otherwise provided in section 1 of this act, for** any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 8.3. Sections 3 and 6 of chapter 316, Statutes of Nevada 2001, at pages 1467 and 1470, respectively, are hereby amended to read respectively as follows:

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

|  |        |
|--|--------|
| For a certificate of registration .....                  | \$5.00 |
| For every substitute number plate or set of plates ..... | 5.00   |
| For every duplicate number plate or set of plates .....  | 10.00  |
| For every decal displaying a county name .....           | .50    |
| For every other decal, license plate sticker or tab..... | 5.00   |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, *and section 1 of this act*, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 6. 1. This section and sections 1, 3 and 5 of this act become effective on July 1, 2001.

2. Section 2 of this act becomes effective at 12:01 a.m. on July 1, 2001.

3. ~~Section 4 of this act becomes effective at 12:02 a.m. on July 1, 2001.~~

~~4.]~~ The amendatory provisions of this act expire by limitation on July 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applicants for the issuance of license plates pursuant to section 1 of this act.

Sec. 8.4. Sections 4 and 8 of chapter 324, Statutes of Nevada 2001, at pages 1512 and 1515, respectively, are hereby amended to read respectively as follows:

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

|  |        |
|--|--------|
| For a certificate of registration .....                  | \$5.00 |
| For every substitute number plate or set of plates ..... | 5.00   |
| For every duplicate number plate or set of plates .....  | 10.00  |
| For every decal displaying a county name .....           | .50    |
| For every other decal, license plate sticker or tab..... | 5.00   |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, *and section 1 of this act*, or 482.379 to 482.3816, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 8. 1. This section and sections 1 ~~and 4 to 7, inclusive.~~, *6 and 7* of this act become effective on July 1, 2001.

2. Sections ~~2 and~~ *3 and 4* of this act become effective at 12:01 a.m. on July 1, 2001.

3. *Section 2 of this act becomes effective at 12:02 a.m. on July 1, 2001.*

4. The amendatory provisions of sections 1, 2 and 4 of this act expire by limitation on July 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to section 1 of this act.

Sec. 8.5. Sections 4, 6, 7 and 9 of chapter 355, Statutes of Nevada 2001, at pages 1675, 1676, 1677 and 1679, respectively, are hereby amended to read respectively as follows:

Sec. 4. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the department may authorize the new vehicle dealer to:

- (a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;
- (b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and
- (c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

- (a) Transmit the applications he receives to the department within the period prescribed by the department;
- (b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the department;
- (c) Comply with the regulations adopted pursuant to subsection 4; and
- (d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

- (a) Charge any additional fee for the performance of those services;
- (b) Receive compensation from the department for the performance of those services;
- (c) Accept applications for the renewal of registration of a motor vehicle; or
- (d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825, inclusive ~~§~~, *and section 3 of this act*; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the department.

Sec. 6. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

|  |        |
|--|--------|
| For a certificate of registration .....                  | \$5.00 |
| For every substitute number plate or set of plates ..... | 5.00   |
| For every duplicate number plate or set of plates .....  | 10.00  |
| For every decal displaying a county name .....           | .50    |
| For every other decal, license plate sticker or tab..... | 5.00   |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, **and section 2 of this act**, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) ~~For~~ **Except as otherwise provided in section 2 of this act, for** any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be

deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 7. ~~[Sections 2, 4 and 7]~~ *Section 4* of Senate Bill No. 77 of this session ~~[are]~~ *is* hereby amended to read as follows:

Sec. 4. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

|   |        |
|---|--------|
| For a certificate of registration .....                   | \$5.00 |
| For every substitute number plate or set of plates .....  | 5.00   |
| For every duplicate number plate or set of plates .....   | 10.00  |
| For every decal displaying a county name .....            | .50    |
| For every other decal, license plate sticker or tab ..... | 5.00   |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, ~~[and]~~ section 2 of ~~[this act,]~~ *Assembly Bill No. 113 of this session and section 1 of this act*, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in section 2 of ~~{this act,}~~ *Assembly Bill No. 113 of this session and section 1 of this act*, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 9. 1. This section and sections *7 and 7.5 of this act become effective on September 30, 2001.*

*2. Sections 1, 2, 3, 5 ~~{, 7}~~ and 8 of this act become effective on October 1, 2001.*

~~{2.}~~ *3. Sections 3.5 and 5.5 of this act become effective at 12:02 a.m. on October 1, 2001.*

*4. Sections 4 and 6 of this act become effective at ~~{12:02}~~ 12:03 a.m. on October 1, 2001.*

~~{3.}~~ *5. The amendatory provisions of sections 2, 3.5, 5, ~~{and}~~ 6 and 7 of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of license plates pursuant to section 2 of this act.*

~~{4.}~~ *6. The amendatory provisions of ~~{section}~~ sections 3, 4 and 5.5 of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250*

applications for the issuance of license plates pursuant to section 3 of this act.

Sec. 8.6. Chapter 355, Statutes of Nevada 2001, at page 1675, is hereby amended by adding thereto a new section to be designated as section 3.5, immediately following section 3, to read as follows:

Sec. 3.5. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications he receives to the department within the period prescribed by the department;

(b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825, inclusive ~~(1)~~, *and section 2 of this act*; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the department.

Sec. 8.7. Chapter 355, Statutes of Nevada 2001, at page 1676, is hereby amended by adding thereto a new section to be designated as section 5.5, immediately following section 5, to read as follows:

Sec. 5.5. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

|  |        |
|--|--------|
| For a certificate of registration .....                  | \$5.00 |
| For every substitute number plate or set of plates ..... | 5.00   |
| For every duplicate number plate or set of plates .....  | 10.00  |
| For every decal displaying a county name .....           | .50    |
| For every other decal, license plate sticker or tab..... | 5.00   |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3816, inclusive, **and section 3 of this act**, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

5. As used in this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 8.8. Chapter 355, Statutes of Nevada 2001, at page 1678, is hereby amended by adding thereto a new section to be designated as section 7.5, immediately following section 7, to read as follows:

Sec. 7.5. Section 7 of chapter 99, Statutes of Nevada 2001, at page 587, is hereby amended to read as follows:

Sec. 7. *1. This section and sections 1, 3, 5 and 6 of this act become effective on October 1, 2001.*

*2. Sections 2 and 4 of this act become effective at 12:04 a.m. on October 1, 2001.*

*3. The amendatory provisions of this act expire by limitation on October 1, 2005, if on that date the department of motor vehicles and public safety has received fewer than 250 applications for the issuance of a license plate pursuant to subsections 1 to 6, inclusive, of section 1 of this act.*

Sec. 8.9. Section 4 of chapter 316, Statutes of Nevada 2001, at page 1468, and section 5 of chapter 324, Statutes of Nevada 2001, at page 1513, are hereby repealed.

**Sec. 56.** Section 1 of chapter 386, Statutes of Nevada 2001, at page 1865, is hereby amended to read as follows:

Section 1. NRS 125B.070 is hereby amended to read as follows:

125B.070 1. As used in this section and NRS 125B.080, unless the context otherwise requires:

(a) "Gross monthly income" means the total amount of income *received each month* from any source of a ~~fwage-~~

~~earning employee]~~ *person who is not self-employed* or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation for support" means the *sum certain dollar* amount determined according to the following schedule:

- (1) For one child, 18 percent;
- (2) For two children, 25 percent;
- (3) For three children, 29 percent;
- (4) For four children, 31 percent; and
- (5) For each additional child, an additional 2 percent,

of a parent's gross monthly income, but not more than ~~[\$500]~~ *the presumptive maximum amount* per month per child *set forth for the parent in subsection 2* for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. ~~[On or before January 18, 1993, and on or before the third Monday in January every 4 years thereafter, the State Bar of Nevada shall review the formulas set forth in this section to determine whether any modifications are advisable and report to the legislature their findings and any proposed amendments.]~~ *For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is:*

| <i>PRESUMPTIVE MAXIMUM AMOUNT</i>         |          |                  |   |
|---|----------|------------------|---|
| <i>The Presumptive Maximum Amount the</i> |          |                  |   |
| <i>Parent May be Required to Pay</i>      |          |                  |   |
| <i>INCOME RANGE</i>                       |          | <i>But</i>       | <i>per Month per Child Pursuant to</i>  |
| <i>If the Parent's Gross</i>              |          | <i>Less Than</i> | <i>Paragraph (b) of Subsection 1 is</i> |
| <i>Monthly Income is at Least</i>         |          |                  |   |
| <i>\$0</i>                                | <i>-</i> | <i>\$4,168</i>   | <i>\$500</i>                            |
| <i>4,168</i>                              | <i>-</i> | <i>6,251</i>     | <i>550</i>                              |
| <i>6,251</i>                              | <i>-</i> | <i>8,334</i>     | <i>600</i>                              |
| <i>8,334</i>                              | <i>-</i> | <i>10,418</i>    | <i>650</i>                              |
| <i>10,418</i>                             | <i>-</i> | <i>12,501</i>    | <i>700</i>                              |
| <i>12,501</i>                             | <i>-</i> | <i>14,583</i>    | <i>750</i>                              |

*If a parent's gross monthly income is equal to or greater than \$14,583, the presumptive maximum amount the parent*

*may be required to pay pursuant to paragraph (b) of subsection 1 is \$800.*

*3. The amounts set forth in subsection 2 for each income range and the corresponding amount of the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the office of court administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.*

*4. As used in this section, "office of court administrator" means the office of court administrator created pursuant to NRS 1.320.*

**Sec. 57.** Sections 1 and 3 of chapter 387, Statutes of Nevada 2001, at pages 1868 and 1870, respectively, are hereby amended to read respectively as follows:

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in his presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within his jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.*

*2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.*

*3. The provisions of subsection 1 do not:*

*(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;*

*(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the University and Community College System of Nevada, an agent of the investigation division of the department of public safety or a*

*ranger of the division of state parks of the state department of conservation and natural resources;*

*(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between his employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or*

*(d) Prohibit a peace officer with limited jurisdiction from:*

*(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or*

*(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.*

*4. As used in this section:*

*(a) "Peace officer with limited jurisdiction" means:*

*(1) A school police officer who is appointed or employed pursuant to subsection 6 of NRS 391.100;*

*(2) An airport guard or police officer who is appointed pursuant to NRS 496.130;*

*(3) A person employed to provide police services for an airport authority created by a special act of the legislature; and*

*(4) A marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125.*

*(b) "Primary law enforcement agency" means:*

*(1) A police department of an incorporated city;*

*(2) The sheriff's office of a county; or*

*(3) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.*

Sec. 3. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection 6 of NRS

391.100 has the powers of a peace officer. *A school police officer shall perform his duties in compliance with the provisions of section 1 of this act.*

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

**Sec. 58.** Sections 1 and 2 of chapter 388, Statutes of Nevada 2001, at pages 1871 and 1872, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 616A.035 is hereby amended to read as follows:

616A.035 1. "Accident benefits" means medical, surgical, hospital or other treatments, nursing, medicine, medical and surgical supplies, crutches and apparatuses, including prosthetic devices.

2. The term includes:

(a) Medical benefits as defined by NRS 617.130;

(b) Preventive treatment administered as a precaution to an employee who is exposed to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his employment; ~~and~~

(c) Preventive treatment administered as a precaution to a police officer or a salaried or volunteer fireman who:

(1) Was exposed to a contagious disease:

(I) Upon battery by an offender; or

(II) While performing the duties of a police officer or fireman,

if the exposure is documented by the creation and maintenance of a report concerning the exposure pursuant to *paragraph (a) of* subsection 1 of NRS 616C.052; or

(2) Tests positive for exposure to tuberculosis under the circumstances described in NRS 616C.052 ~~and~~; *and*

*(d) Preventive treatment for hepatitis administered as a precaution to a full-time salaried fireman or an emergency medical attendant employed in this state.*

3. The term does not include:

(a) Exercise equipment, a hot tub or a spa for an employee's home;

(b) Membership in an athletic or health club;

(c) Except as otherwise provided in NRS 616C.245, a motor vehicle; or

(d) The costs of operating a motor vehicle provided pursuant to NRS 616C.245, fees related to the operation or licensing of the motor vehicle or insurance for the motor vehicle.

4. As used in this section:

(a) "Battery" includes, without limitation, the intentional propelling or placing, or the causing to be propelled or placed, of any human excrement or bodily fluid upon the person of an employee.

(b) *"Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS, whose primary duties of employment are the provision of emergency medical services.*

(c) *"Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any additional diseases or conditions that are associated with or result from hepatitis A, hepatitis B or hepatitis C.*

(d) "Preventive treatment" includes, without limitation:

(1) Tests to determine if an employee has contracted ~~fa~~ *hepatitis or any other* contagious disease to which he was exposed; and

(2) If an employee tests positive for exposure to tuberculosis under the circumstances described in NRS 616C.052, such medication and chest X-rays as are recommended by the Centers for Disease Control and Prevention of the Department of Health and Human Services.

Sec. 2. NRS 616A.265 is hereby amended to read as follows:

616A.265 1. "Injury" or "personal injury" means a sudden and tangible happening of a traumatic nature, producing an immediate or prompt result which is established by medical evidence, including injuries to prosthetic devices. Any injury sustained by an employee while engaging in an athletic or social event sponsored by his employer shall be

deemed not to have arisen out of or in the course of employment unless the employee received remuneration for participation in the event.

2. For the purposes of chapters 616A to 616D, inclusive, of NRS:

(a) Coronary thrombosis, coronary occlusion, or any other ailment or disorder of the heart, and any death or disability ensuing therefrom, shall be deemed not to be an injury by accident sustained by an employee arising out of and in the course of his employment.

(b) The exposure of an employee to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his employment shall be deemed to be an injury by accident sustained by the employee arising out of and in the course of his employment.

(c) Except as otherwise provided in paragraph (d), the exposure to a contagious disease of a police officer or a salaried or volunteer fireman who was exposed to the contagious disease:

(1) Upon battery by an offender; or

(2) While performing the duties of a police officer or fireman,

shall be deemed to be an injury by accident sustained by the police officer or fireman arising out of and in the course of his employment if the exposure is documented by the creation and maintenance of a report concerning the exposure pursuant to *paragraph (a) of* subsection 1 of NRS 616C.052. As used in this paragraph, the term "battery" includes, without limitation, the intentional propelling or placing, or the causing to be propelled or placed, of any human excrement or bodily fluid upon the person of an employee.

(d) If a police officer or a salaried or volunteer fireman tests positive for exposure to tuberculosis under the circumstances described in subsection 2 or 3 of NRS 616C.052, he shall be deemed to have sustained an injury by accident arising out of and in the course of his employment, unless the insurer can prove by a preponderance of the evidence that the exposure was not related to the employment of the police officer or fireman.

**Sec. 59.** 1. Section 3 of chapter 390, Statutes of Nevada 2001, at page 1887, is hereby amended to read as follows:

Sec. 3. NRS 484.37945 is hereby amended to read as follows:

484.37945 1. When a program of treatment is ordered pursuant to paragraph *(a) or* (b) of subsection 1 of NRS 484.3792, the court shall place the offender under the clinical

supervision of a treatment facility for treatment for a period not to exceed 1 year, in accordance with the report submitted to the court pursuant to subsection 3, 4 or 5 of NRS 484.37943. The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community, for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, subsection 2 of NRS 488.400, NRS 488.410 or 488.420 or a law of any other jurisdiction that prohibits the same or similar conduct, after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792.

2. Chapter 390, Statutes of Nevada 2001, at page 1888, is hereby amended by adding thereto a new section to be designated as section 5, immediately following section 4, to read as follows:

Sec. 5. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 2001.

**Sec. 60.** 1. Sections 10 and 13 of chapter 395, Statutes of Nevada 2001, at pages 1912 and 1913, respectively, are hereby amended to read respectively as follows:

Sec. 10. NRS 458.155 is hereby amended to read as follows:

458.155 1. If a halfway house for *recovering* alcohol and drug abusers violates any provisions related to its

certification, including, without limitation, any law of this state or any applicable condition, standard or regulation adopted by the board, the health division may:

(a) Suspend or revoke its certification; and

(b) Impose an administrative fine of not more than \$1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum.

2. In addition to the provisions of subsection 1, the health division may revoke the certification of a halfway house for *recovering* alcohol and drug abusers if, with respect to that halfway house, the person or governmental entity that operates and maintains the halfway house, or an agent or employee of the person or governmental entity:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. If a halfway house for *recovering* alcohol and drug abusers fails to pay an administrative fine imposed pursuant to subsection 1, the health division may:

(a) Suspend the certificate of the halfway house until the administrative fine is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative fine.

4. Any money collected as an administrative fine must be deposited in the state general fund. If money is needed to pay the costs of an investigation or inspection to carry out the provisions of NRS 458.141 to 458.171, inclusive, the health division may present a claim to the state board of examiners for recommendation to the interim finance committee.

5. The health division shall maintain a log of any complaints that it receives relating to activities for which the health division may revoke the certification of a halfway house for *recovering* alcohol and drug abusers pursuant to subsection 2.

6. On or before February 1 of each odd-numbered year, the health division shall submit to the director of the legislative counsel bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the health division pursuant to subsection 5; and

(b) Any disciplinary actions taken by the health division pursuant to subsection 2.

Sec. 13. 1. This section and sections 7 ~~to 12, inclusive,~~ 8, 9, 11, 12 and 14 of this act become effective on July 1, 2001.

2. Sections 1, 2 to 6, inclusive, and 10 of this act become effective at 12:01 a.m. on July 1, 2001.

*3. Section 1.5 of this act becomes effective on January 1, 2002.*

2. Chapter 395, Statutes of Nevada 2001, at page 1909, is hereby amended by adding thereto a new section to be designated as section 1.5, immediately following section 1, to read as follows:

Sec. 1.5. NRS 278.021 is hereby amended to read as follows:

278.021 1. In any ordinance adopted by a city or county, the definition of "single-family residence" must include a:

(a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with:

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

(b) Home for individual residential care.

(c) Halfway house for recovering alcohol and drug abusers.

2. The provisions of subsection 1 do not prohibit a definition of "single-family residence" which permits more persons to reside in a residential facility for groups, nor does it prohibit regulation of homes which are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.

3. The health division of the department of human resources shall compile and maintain a registry of information relating to each residential establishment that exists in this state and shall make available for access on the Internet or its successor, if any, the information contained in the registry. The registry must include with respect to each residential establishment:

(a) The name of the owner of the establishment;

(b) The name of the administrator of the establishment;

(c) The address of the establishment; and

(d) The number of clients for which the establishment is licensed.

Any department or agency of a county or city that becomes aware of the existence of a residential establishment that is not included in the registry shall transmit such information to the health division, as is necessary, for inclusion in the registry within 30 days after obtaining the information.

4. The governing body of a county whose population is 100,000 or more or the governing body of a city in such a county or any department or agency of the city or county shall approve the first application submitted on or after July 1, 2000, to operate a residential establishment within a particular neighborhood in the jurisdiction of the governing body. If a subsequent application is submitted to operate an additional residential establishment at a location that is within the minimum distance established by the governing body pursuant to this subsection from an existing residential establishment, the governing body shall review the application based on applicable zoning ordinances. The requirements of this subsection do not require the relocation or displacement of any residential establishment which existed before ~~the effective date of this act~~ **July 1, 2001**, from its location on that date. The provisions of this subsection do not create or impose a presumption that the location of more than one residential establishment within the minimum distance of each other established by the governing body pursuant to this subsection is inappropriate under all circumstances with respect to the enforcement of zoning ordinances and regulations. For purposes of this subsection, each governing body shall establish by ordinance a minimum distance between residential establishments that is at least 660 feet but not more than 1,500 feet.

5. The governing body of a county or city shall not refuse to issue a special use permit to a residential establishment that meets local public health and safety standards.

6. The provisions of this section must not be applied in any manner which would result in a loss of money from the Federal Government for programs relating to housing.

7. As used in this section:

(a) "Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS ~~458.010~~ **449.008**.

(b) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.

(c) "Person with a disability" means a person:

(1) With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) With a record of such an impairment; or

(3) Who is regarded as having such an impairment.

(d) "Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.

(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.

**Sec. 61.** 1. Sections 11 and 14 of chapter 397, Statutes of Nevada 2001, at pages 1918 and 1919, respectively, are hereby amended to read respectively as follows:

Sec. 11. NRS 218.6827 is hereby amended to read as follows:

218.6827 1. Except as otherwise provided in subsections 2 and 3, the interim finance committee may exercise the powers conferred upon it by law only when the legislature is not in regular or special session.

2. During a regular session, the interim finance committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, ~~subsection 1 of NRS 341.145,~~ NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, subsection 6 of NRS 445B.830 and NRS 538.650. In performing those duties, the senate standing committee on finance and the assembly standing committee on ways and means may meet separately and transmit the results of their respective votes to the chairman of the interim finance committee to determine the action of the interim finance committee as a whole.

3. During a regular or special session, the interim finance committee may exercise the powers and duties conferred upon it pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive.

4. If the interim finance committee determines that a fundamental review of the base budget of a state agency is necessary, it shall, by resolution, notify the legislative commission of that finding for assignment of the review to a legislative committee for the fundamental review of the base budgets of state agencies established pursuant to NRS 218.5382.

Sec. 14. **1.** This section and ~~sections~~ **section 12.5 of this act become effective on June 30, 2001.**

**2. Sections** 1 to 9, inclusive, 11, 12 and 13 of this act become effective on July 1, 2001.

2. Chapter 397, Statutes of Nevada 2001, at page 1919, is hereby amended by adding thereto a new section to be designated as section 12.5, immediately following section 12, to read as follows:

Sec. 12.5. Sections 6 and 7 of chapter 531, Statutes of Nevada 2001, at pages 2682 and 2683, respectively, are hereby amended to read respectively as follows:

Sec. 6. NRS 218.6827 is hereby amended to read as follows:

218.6827 **1.** Except as otherwise provided in subsections 2 and 3, the interim finance committee may exercise the powers conferred upon it by law only when the legislature is not in regular or special session.

**2.** During a regular session, the interim finance committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, and 353.335, paragraph (b) of subsection 4 of NRS 407.0762 ~~and~~ NRS 428.375, 439.620, 439.630, ~~subsection 6 of NRS~~ 445B.830 and ~~NRS~~ 538.650. In performing those duties, the senate standing committee on finance and the assembly standing committee on ways and means may meet separately and transmit the results of their respective votes to the chairman of the interim finance committee to determine the action of the interim finance committee as a whole.

**3.** During a regular or special session, the interim finance committee may exercise the powers and duties conferred upon it pursuant to the provisions of NRS 353.2705 to 353.2771, inclusive.

**4.** If the interim finance committee determines that a fundamental review of the base budget of a state agency is necessary, it shall, by resolution, notify the legislative commission of that finding for assignment of the review to a legislative committee for the fundamental review of the base budgets of state agencies established pursuant to NRS 218.5382.

Sec. 7. **1.** This section and sections 1, 3 ~~, 4 and 6~~ **and 4** of this act become effective on July 1, 2001.

**2.** ~~Section~~ **Sections 5 and 6** of this act ~~becomes~~ **become** effective at 12:01 a.m. on July 1, 2001.

3. Section 2 of this act becomes effective on January 1, 2002.

**Sec. 62.** 1. Section 1 of chapter 398, Statutes of Nevada 2001, at page 1920, is hereby amended to read as follows:

Section 1. NRS 444.630 is hereby amended to read as follows:

444.630 1. ~~[As used in this section, "garbage" includes swill, refuse, cans, bottles, paper, vegetable matter, carcass of any dead animal, offal from any slaughter pen or butcher shop, trash or rubbish.~~

~~2. Every~~ A person who ~~[willfully]~~ places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any ~~[garbage,]~~ *solid waste*, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property , ~~[into or upon which the public is admitted by easement, license or otherwise,]~~ is guilty of :

*(a) For a first offense within the immediately preceding 2 years, a misdemeanor . [and, if the convicted person agrees, he shall be sentenced to]*

*(b) For a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not fewer than 14 days but not more than 1 year.*

*(c) For a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for 1 year.*

*2. In addition to any criminal penalty imposed pursuant to subsection 1 and any civil penalty imposed pursuant to NRS 444.635, a court shall sentence a person convicted of violating subsection 1:*

*(a) If the person is a natural person, to clean up the dump site and perform 10 hours of community service under the conditions prescribed in NRS 176.087.*

*(b) If the person is a business entity:*

*(I) For a first or second offense within the immediately preceding 2 years, to:*

*(I) Clean up the dump site; and*

*(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.*

*(2) For a third or subsequent offense within the immediately preceding 2 years, to:*

*(I) Clean up the dump site; and*

*(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.*

*3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:*

*(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and*

*(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.*

*The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).*

*4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:*

*(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this state; and*

*(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.*

*5. Except as otherwise provided in NRS 444.585, ownership of ~~garbage~~ solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any ~~garbage~~ solid waste which is disposed of in violation of subsection ~~2~~ 1 creates a reasonable inference that the owner is the person who disposed of the ~~garbage~~ solid waste. The fact that the disposal of the ~~garbage~~ solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.*

~~4~~ 6. All:

- (a) Health officers and their deputies;
- (b) Game wardens;
- (c) Police officers of cities and towns;
- (d) Sheriffs and their deputies;
- (e) Other peace officers of the State of Nevada; and

(f) Other persons who are specifically designated by the local government to do so, shall, within their respective jurisdictions, enforce the provisions of this section.

~~[5.]~~ 7. A district health officer or his deputy or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within his jurisdiction.

~~[6.]~~ 8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

- (a) Agency of the state or its political subdivisions.
- (b) Employer, public or private.
- (c) Employee organization or trust of any kind.
- (d) Financial institution or other entity which is in the business of providing credit reports.
- (e) Public utility.

Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection ~~[2.]~~ 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

2. Chapter 398, Statutes of Nevada 2001, at page 1922, is hereby amended by adding thereto a new section to be designated as section 1.5, immediately following section 1, to read as follows:

Sec. 1.5. Section 10 of chapter 272, Statutes of Nevada 2001, at page 1235, is hereby amended to read as follows:

Sec. 10. NRS 444.630 is hereby amended to read as follows:

444.630 1. A person who places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any solid waste, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, is guilty of:

(a) For a first offense within the immediately preceding 2 years, a misdemeanor.

(b) For a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be

punished by imprisonment in the county jail for not fewer than 14 days but not more than 1 year.

(c) For a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for 1 year.

2. In addition to any criminal penalty imposed pursuant to subsection 1, ~~and~~ any civil penalty imposed pursuant to NRS 444.635 ~~and~~ *and any administrative penalty imposed pursuant to section 6 of this act*, a court shall sentence a person convicted of violating subsection 1:

(a) If the person is a natural person, to clean up the dump site and perform 10 hours of community service under the conditions prescribed in NRS 176.087.

(b) If the person is a business entity:

(1) For a first or second offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.

(2) For a third or subsequent offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.

3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:

(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and

(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.

The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this state; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in NRS 444.585, ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

6. All:

- (a) Health officers and their deputies;
- (b) Game wardens;
- (c) Police officers of cities and towns;
- (d) Sheriffs and their deputies;
- (e) Other peace officers of the State of Nevada; and
- (f) Other persons who are specifically designated by

the local government to do so, shall, within their respective jurisdictions, enforce the provisions of this section.

7. A district health officer or his deputy or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within his jurisdiction.

8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

- (a) Agency of the state or its political subdivisions.
- (b) Employer, public or private.
- (c) Employee organization or trust of any kind.
- (d) Financial institution or other entity which is in the business of providing credit reports.
- (e) Public utility.

Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

**Sec. 63.** 1. Section 15 of chapter 399, Statutes of Nevada 2001, at page 1928, is hereby amended to read as follows:

Sec. 15. *1. This section and sections 1 to 11, inclusive, and 12 to 14, inclusive, of this act ~~becomes~~ become effective on January 1, 2002.*

*2. Section 11 of this act expires by limitation on May 1, 2004, if, on January 1, 2003, the commissioner of insurance issues a determination that the cumulative average increase in premiums for policies of insurance, contracts for hospital or medical service and evidence of coverage delivered or issued for delivery pursuant to chapters 689A, 689B, 695B and 695C of NRS, respectively, that is directly attributable to coverage for the treatment of conditions relating to severe mental illness required to be provided by chapter 576, Statutes of Nevada 1999, is greater than 6 percent.*

*3. Section 11.5 of this act becomes effective at 12:01 a.m. on May 1, 2004, if, on January 1, 2003, the commissioner of insurance issues a determination that the cumulative average increase in premiums for policies of insurance, contracts for hospital or medical service and evidence of coverage delivered or issued for delivery pursuant to chapters 689A, 689B, 695B and 695C of NRS, respectively, that is directly attributable to coverage for the treatment of conditions relating to severe mental illness required to be provided by chapter 576, Statutes of Nevada 1999, is greater than 6 percent.*

2. Chapter 399, Statutes of Nevada 2001, at page 1926, is hereby amended by adding thereto a new section to be designated as section 11.5, immediately following section 11, to read as follows:

Sec. 11.5. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from

insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this state. Any contract with an independent administrator must be approved by the commissioner of insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of *section 3 of this act and* NRS 689B.030 to 689B.050, inclusive, apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

**Sec. 64.** Section 3 of chapter 403, Statutes of Nevada 2001, at page 1937, is hereby amended to read as follows:

Sec. 3. Section 14 of chapter 552, Statutes of Nevada 1999, at page 2883, is hereby amended to read as follows:

Sec. 14. 1. This act becomes effective on July 1, 1999.

2. ~~[Sections 1 to 10, inclusive,]~~ *Section 3* of this act ~~[expire]~~ *expires* by limitation on June 30, 2001.

***3. Sections 1 to 2, inclusive, and 4 to 10, inclusive, of this act expire by limitation on June 30, 2003.***

**Sec. 65.** Section 20 of chapter 406, Statutes of Nevada 2001, at page 1955, and section 27 of chapter 406, Statutes of Nevada 2001, as amended by section 71.5 of chapter 575, Statutes of Nevada 2001, at page 2932, are hereby amended to read respectively as follows:

Sec. 20. NRS 281.4365 is hereby amended to read as follows:

281.4365 1. "Public officer" means a person elected or appointed to a position which is established by the constitution of the State of Nevada, a statute of this state or an ordinance of any of its counties or incorporated cities and which involves the exercise of a public power, trust or duty. As used in this section, "the exercise of a public power, trust or duty" means:

(a) Actions taken in an official capacity which involve a substantial and material exercise of administrative discretion in the formulation of public policy;

(b) The expenditure of public money; and

(c) The enforcement of laws and rules of the state, a county or a city.

2. "Public officer" does not include:

(a) Any justice, judge or other officer of the court system;

(b) Any member of a board, commission or other body whose function is advisory;

(c) Any member of a board of trustees for a general improvement district or special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money;

or  
(d) A county health officer appointed pursuant to NRS 439.290.

***3. "Public office" does not include an office held by:***

***(a) Any justice, judge or other officer of the court system;***

***(b) Any member of a board, commission or other body whose function is advisory;***

***(c) Any member of a board of trustees for a general improvement district or special district whose official duties do not include the formulation of a budget for the district or the authorization of the expenditure of the district's money;***

***or***  
***(d) A county health officer appointed pursuant to NRS 439.290.***

Sec. 27. ~~[Sections 20 and]~~

1. *Section* 25 of this act ~~become~~ *becomes* effective at 12:01 a.m. on October 1, 2001.

2. *Section 20 of this act becomes effective at 12:02 a.m. on October 1, 2001.*

**Sec. 66.** Sections 1 and 3 of chapter 409, Statutes of Nevada 2001, at pages 2004 and 2005, respectively, are hereby amended to read respectively as follows:

Section 1. Section 5 of chapter 474, Statute of Nevada 1977, as last amended by chapter ~~83,~~ *413*, Statutes of Nevada ~~1981,~~ *2001*, at page ~~181,~~ *2042*, is hereby amended to read as follows:

Sec. 5. 1. The authority ~~shall~~ *must* be directed and governed by a board of trustees composed of nine persons.

2. The City of Reno ~~shall~~ *must* be represented on the board by four members, the City of Sparks by two members and Washoe County by two members, appointed as specified in this section. The terms of all trustees appointed by the city councils of the cities of Reno and Sparks and the board of county commissioners of Washoe County pursuant to this section ~~prior to~~ *before* its amendment expire on July 1, 1981. On July 1, 1981:

(a) The city council of the City of Reno shall appoint four trustees, two for terms of 2 years and two for terms of 4 years. Subsequent appointments ~~shall~~ *must* be made for terms of 4 years.

(b) The city council of the City of Sparks shall appoint two trustees, one for a term of 2 years and one for a term of 4 years. Subsequent appointments ~~shall~~ *must* be made for a term of 4 years.

(c) The board of county commissioners of Washoe County shall appoint two trustees, one for a term of 2 years and one for a term of 4 years. Subsequent appointments ~~shall~~ *must* be made for terms of 4 years.

3. In addition to the members appointed pursuant to subsection 2, on July 1, 2001, the County Fair and Recreation Board of Washoe County shall appoint one trustee who represents consumers of services provided at the airport for a term of 4 years. Subsequent appointments ~~shall~~ *must* be made for terms of 4 years.

4. Each appointing authority:

(a) Other than the County Fair and Recreation Board of Washoe County, shall appoint a person to serve on the board only if the appointing authority determines that the person:

(1) Has experience in the aviation, business or tourism industry;

(2) Has experience in finance or accounting; or

(3) Possesses such other qualifications that the appointing authority determines are necessary or appropriate for carrying out the duties of the board; and

(b) May remove a member of the board which it appointed only if the appointing authority determines that the member willfully neglected or refused to perform an official duty of the board. An appointing authority shall not remove a member for exercising his independent judgment.

5. A member of the board of trustees shall not serve for more than two terms.

6. The position of a member of the board of trustees ~~shall~~ **must** be considered vacated upon his loss of any of the qualifications required for his appointment , and in such event the appointing authority shall appoint a successor.

***7. An appointment of a member of the board of trustees pursuant to the provisions of this section must be made not later than June 15 of the year in which the member is required to be appointed.***

Sec. 3. Section 10.2 of chapter ~~737,~~ **474**, Statutes of Nevada ~~1989,~~ **1977**, as last amended by chapter 614, Statutes of Nevada 1993, at page 2554, is hereby amended to read as follows:

Sec. 10.2 1. The authority may enter into any concession agreement if the board or its authorized representative reviews the agreement and determines it is in the best interest of the authority. In making ~~this~~ **that** determination, the board or its authorized representative shall consider whether the proposed fees to be paid to the authority for the privileges granted are conducive to revenue generation and providing high quality service to the traveling public.

2. Before entering into any concession agreement providing estimated revenue to the authority of more than \$25,000, the Authority must:

(a) Comply with the bidding requirements of the Local Government Purchasing Act ~~;~~ **except the provisions of subsection 3 of NRS 332.105;** or

(b) Publish notice of its intention to enter the agreement in a newspaper of general circulation in the county at least three times during a period of 10 days. The notice must specify the date, time and place of a

regular meeting of the Authority to be held after completion of the publication at which any interested person may appear.

3. The board may authorize the executive director of the authority to enter into any concession agreement on behalf of the authority if the agreement provides estimated revenue to the authority of \$25,000 or less. Such an agreement is not subject to the provisions of subsection 2.

**Sec. 67.** 1. Sections 3, 4, 15, 16, 17 and 18 of chapter 410, Statutes of Nevada 2001, at pages 2010, 2011 and 2022, are hereby amended to read respectively as follows:

Sec. 3. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection ~~6.~~ 7, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection ~~6.~~ 7, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than \$25,000 but less than \$100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

- (a) The bidder is not responsive or responsible;
- (b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or
- (c) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

- (a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;
- (b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;
- (c) An estimate of the cost of administrative support for the persons assigned to the project;
- (d) An estimate of the total cost of the project; and
- (e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.

6. *In preparing the estimated cost of a project pursuant to subsection 5, a local government must include the fair market value of, or, if known, the actual cost of, all materials, supplies, labor and equipment to be used for the project.*

7. This section does not apply to:

- (a) Any utility subject to the provisions of chapter 318 or 710 of NRS;
- (b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;
- (c) Normal maintenance of the property of a school district; ~~or~~
- (d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley water district created pursuant to chapter 477, Statutes of

Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993 ~~H~~; or

*(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive.*

Sec. 4. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in NRS 338.143 and 338.1711 to 338.1727, inclusive, a local government shall award a contract for a public work to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, for the purposes of this section, a contractor who:

(a) Has been found to be a responsible and responsive contractor by the local government; and

(b) At the time he submits his bid, provides to the local government a copy of a certificate of eligibility to receive a preference in bidding on public works issued to him by the state contractors' board pursuant to subsection 3 or 4, shall be deemed to have submitted a better bid than a competing contractor who has not provided a copy of such a valid certificate of eligibility if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. The state contractors' board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this state:

(a) Paid directly, on his own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than \$5,000 for each consecutive 12-month period for 60 months immediately

preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The state contractors' board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this state:

(a) Paid directly, on his own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the state contractors' board pursuant to subsection 3 or 4 shall, at the time for the annual renewal of his contractor's license pursuant to NRS 624.283, submit to the board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain his eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, he must submit a separate application for each license pursuant to which he wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the state contractors' board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the board becomes aware of the submission of the false information.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than \$250,000.

11. ~~Except as otherwise provided in subsection 2 of NRS 338.1727 and subsection 2 of NRS 408.3886 if~~ **If** a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

12. The state contractors' board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid or proposal on a contract for the completion of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body at or after the time at which the contractor submitted the bid or proposal to the public body and before the time at which the public body awards the contract for which the bid or proposal was submitted.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and may proceed to award the contract accordingly.

Sec. 15. Section 21 of ~~Assembly Bill No. 298 of the 1999 session~~ **chapter 471, Statutes of Nevada 1999**, as last amended by section ~~35.6~~ **134** of chapter ~~627~~ **10**, Statutes of Nevada ~~1999~~ **2001**, at page ~~3497~~ **252**, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 2 to 8, inclusive, 10 to 14, inclusive, **and** 16 to ~~19, inclusive,~~

~~and~~ 20 , *inclusive*, of this act become effective on October 1, 1999.

~~2. [Sections 19.2 and 19.6 of this act become effective on October 1, 2003.~~

~~3. Section 19.4 of this act becomes effective on May 1, 2013.~~

~~4.]~~ Section 15 of this act becomes effective at 12:01 a.m. on May 1, 2013.

~~5.]~~ 3. Sections 14, 18 and 19 of this act expire by limitation on May 1, 2013.

Sec. 16. Section 38 of chapter 627, Statutes of Nevada 1999, *as amended by section 134 of chapter 10, Statutes of Nevada 2001*, at page ~~[3504.]~~ 252, is hereby amended to read as follows:

Sec. 38. 1. This section and sections ~~[35.4.]~~ 35.6 and 35.9 of this act, and ~~[subsection]~~ *subsections 2 and 3* of section 36 of this act, become effective on September 30, 1999.

2. ~~[Subsection 2]~~ *Sections 1 to 9, inclusive, and 14 to 35, inclusive, of this act and subsection 1* of section 36 of this act ~~[becomes]~~ *become* effective on October 1, 1999.

3. ~~[Sections 1 to 9, inclusive, 14 to 35, inclusive, and]~~ *Section 37* of this act ~~[, and subsection 1 of section 36 of this act, become]~~ *becomes* effective on October 1, 1999, and ~~[expire]~~ *expires* by limitation on October 1, 2003.

4. ~~[Section]~~ *Sections 10, 13 and 35.8* of this act ~~[becomes]~~ *become* effective at 12:01 a.m. on October 1, 1999.

5. ~~[Sections 10 and 35.8 of this act become effective at 12:01 a.m. on October 1, 1999, and expire by limitation on October 1, 2003.~~

~~6.]~~ Section 11 of this act becomes effective at 12:01 a.m. on October 1, 1999, and expires by limitation on May 1, 2013.

~~[7. Section 13.5 of this act becomes effective on October 1, 2003.~~

~~8. Section 35.2 of this act becomes effective on October 1, 2003 and expires by limitation on May 1, 2013.~~

~~9.]~~ 6. Section 12 of this act becomes effective at 12:02 a.m. on May 1, 2013.

Sec. 17. 1. Sections ~~[12.]~~ 13.5, 35.2 and 35.4 of chapter 627, Statutes of Nevada 1999, at pages ~~[3476.]~~ 3479, 3490 and 3491, respectively, are hereby repealed.

2. *Sections 25 and 27 of chapter 13, Statutes of Nevada 2001, at pages 298 and 302, respectively, section 2 of chapter 259, Statutes of Nevada 2001, at page 1145, section*

*3 of chapter 279, Statutes of Nevada 2001, at page 1271, section 10 of chapter 397, Statutes of Nevada 2001, at page 1918, and sections 6, 9 and 12 of chapter 448, Statutes of Nevada 2001, at pages 2261, 2265 and 2272, respectively, are hereby repealed.*

Sec. 18. 1. This section and ~~[sections]~~ *section 16.1 of this act become effective on April 1, 2001.*

2. *Sections 16.2 to 16.6, inclusive, of this act and subsection 2 of section 17 of this act become effective on June 15, 2001.*

3. *Sections 5 to ~~[17,]~~ 16, inclusive, of this act and subsection 1 of section 17 of this act become effective on July 1, 2001.*

~~[2.—Sections 2 and 4]~~

4. *Section 2 of this act ~~[become]~~ becomes effective at 12:01 a.m. on July 1, 2001.*

~~[3.]~~ 5. *Section 4 of this act becomes effective at 12:02 a.m. on July 1, 2001.*

6. Section 1 of this act becomes effective on May 1, 2013.

~~[4.]~~ 7. Section 3 of this act becomes effective at 12:03 a.m. on May 1, 2013.

2. Chapter 410, Statutes of Nevada 2001, at page 2022, is hereby amended by adding thereto new sections to be designated as sections 16.1, 16.2, 16.3, 16.4, 16.5 and 16.6, immediately following section 16, to read respectively as follows:

Sec. 16.1. Section 134 of chapter 10, Statutes of Nevada 2001, at page 252, is hereby amended to read as follows:

Sec. 134. 1. Sections 5, 6, 11, 12, 13, 24, 25, 27, 35.2, 35.6, 35.8, 36 and 38 of chapter 627, Statutes of Nevada 1999, at pages 3469, 3470, 3474, 3476, 3477, 3484, 3485, 3490, 3497, 3503 and 3504, are hereby amended to read respectively as follows:

Sec. 5. 1. *A public body shall advertise for preliminary proposals for the design and construction of a public work by a design-build team at least twice each week for 3 consecutive weeks in:*

*(a) A newspaper of general circulation published in the county in which the public work is proposed to be constructed or, if there is no such newspaper, in a newspaper of general circulation in the county published in this state; and*

*(b) A newspaper of general circulation in this state.*

2. *A request for preliminary proposals published pursuant to subsection 1 must include, without limitation:*

*(a) A description of the public work to be designed and constructed;*

*(b) Separate estimates of the costs of designing and constructing the public work;*

*(c) The dates on which it is anticipated that the separate phases of the design and construction of the public work will begin and end;*

*(d) A statement setting forth the place and time in which a design-build team desiring to submit a proposal for the public work may obtain the information necessary to submit a proposal, including, without limitation, the extent to which designs must be completed for both preliminary and final proposals and any other requirements for the design and construction of the public work that the public body determines to be necessary;*

*(e) A list of the requirements set forth in section 6 of this act;*

*(f) A list of the factors that the public body will use to evaluate design-build teams who submit a proposal for the public work, including, without limitation:*

*(1) The relative weight to be assigned to each factor; and*

*(2) A disclosure of whether the factors that are not related to cost are, when considered as a group, more or less important in the process of evaluation than the factor of cost;*

*(g) Notice that a design-build team desiring to submit a proposal for the public work must include with its proposal the information used by the public body to determine finalists among the design-build teams submitting proposals pursuant to subsection 2 of section 7 of this act and a description of that information;*

*(h) A statement that a design-build team whose prime contractor holds a certificate of eligibility to receive a preference in bidding on public works issued pursuant to NRS 338.147 or section 11 of Assembly Bill No. 298 of this session should submit a copy of the certificate of eligibility with its proposal;*

*(i) A statement as to whether a design-build team that is selected as a finalist pursuant to section 7 of*

*this act but is not awarded the design-build contract pursuant to section 8 of this act will be partially reimbursed for the cost of preparing a final proposal and, if so, an estimate of the amount of the partial reimbursement; and*

*(j) The date by which preliminary proposals must be submitted to the public body, which must not be less than 30 days or more than 60 days after the date on which the request for preliminary proposals is first published in a newspaper pursuant to subsection 1.*

Sec. 6. *To qualify to participate in a project for the design and construction of a public work, a design-build team must:*

*1. Obtain a performance bond and payment bond as required pursuant to NRS 339.025;*

*2. Obtain insurance covering general liability and liability for errors and omissions;*

*3. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause;*

*4. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.145 or 408.333 or section 10 of Assembly Bill No. 298 of this session; and*

*5. Ensure that the members of the design-build team possess the licenses and certificates required to carry out the functions of their respective professions within this state.*

Sec. 11. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 6 and NRS 338.1907, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of section 2 of ~~this act,~~ *Assembly Bill No. 298 of this session*, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than \$25,000 but less than \$100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

- (a) The bidder is not responsive or responsible;
- (b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or
- (c) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

- (a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;
- (b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of

equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; ~~for~~

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947 ~~H~~, *the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993; or*

*(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to sections 2 to 9, inclusive, of this act.*

Sec. 12. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 6, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of section 2 of ~~this act,~~ *Assembly Bill No. 298 of this session*, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the

estimated cost is more than \$25,000 but less than \$100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

- (a) The bidder is not responsive or responsible;
- (b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or
- (c) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

- (a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;
- (b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;
- (c) An estimate of the cost of administrative support for the persons assigned to the project;
- (d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; or

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947 ~~[4]~~, *the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993.*

Sec. 13. NRS 338.147 is hereby amended to read as follows:

338.147 1. ~~[A]~~ *Except as otherwise provided in NRS 338.143 and sections 2 to 9, inclusive, of this act, a local government shall award a contract for a public work to the contractor who submits the best bid.*

2. Except as otherwise provided in subsection ~~[4]~~ 8 or limited by subsection ~~[5.]~~ 9, for the purposes of this section, a contractor who:

(a) Has been found to be a responsible *and responsive* contractor by the local government; and

(b) At the time he submits his bid, provides to the local government ~~[proof of the payment of:]~~ *a copy of a certificate of eligibility to receive a preference in bidding on public works issued to him by the state contractors' board pursuant to subsection 3, shall be deemed to have submitted a better bid than a competing contractor who has not provided a copy of such a valid certificate of eligibility if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.*

3. *The state contractors' board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the general contractor has:*

(a) *Paid:*

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction *in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony*, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of ~~his bid;~~ *the affidavit from the certified public accountant;*

(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business *in this state* of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of ~~his bid;~~ *the affidavit from the certified public accountant;* or

(3) Any combination of such sales and use taxes and motor vehicle privilege tax ~~;~~ *shall be deemed to have submitted a better bid than a competing contractor who has not provided proof of the payment of those taxes if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.*

~~3. A contractor who has previously provided the local government awarding a contract with the proof of payment required pursuant to subsection 2 may update such proof on or before April 1, July 1, September 1 and December 1 rather than with each bid.~~

~~4.]; or~~

*(b) Acquired, by inheritance, gift or transfer through a stock option plan for employees, all the assets and liabilities of a viable, operating construction firm that possesses a:*

*(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and*

*(2) Certificate of eligibility to receive a preference in bidding on public works.*

*4. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3, a general contractor shall be deemed to have paid:*

*(a) Sales and use taxes and motor vehicle privilege taxes paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor; and*

*(b) Sales and use taxes paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.*

*5. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the state contractors' board pursuant to subsection 3 shall, at the time for the annual renewal of his contractors' license pursuant to NRS 624.283, submit to the board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 to maintain his eligibility to hold such a certificate.*

*6. A contractor who fails to submit an affidavit to the board pursuant to subsection 5 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3.*

*7. If a contractor who applies to the state contractors' board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the board becomes aware of the submission of the false information.*

8. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than \$250,000.

~~{5.}~~ *9. Except as otherwise provided in subsection ~~{6.}~~ 2 of section 8 of this act and subsection 2 of section 27 of this act, if a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.*

~~[6. Except as otherwise provided in subsection 8, if a bid is submitted by a joint venture and one or more of the joint venturers has responsibility for the performance of the contract as described in subsection 7, the provisions of subsection 2 apply only to those joint venturers who have such responsibility.~~

~~7. For the purposes of subsection 6, a joint venturer has responsibility for the performance of a contract if he has at least one of the following duties or obligations delegated to him in writing in the contract creating the joint venture:~~

~~(a) Supplying the labor necessary to perform the contract and paying the labor and any related taxes and benefits;~~

~~(b) Supplying the equipment necessary to perform the contract and paying any charges related to the equipment;~~

~~(c) Contracting with and making payments to any subcontractors; or~~

~~(d) Performing the recordkeeping for the joint venture and making any payments to persons who provide goods or services related to the performance of the contract.~~

~~8. The provisions of subsection 6 do not apply to a joint venture which is formed for the sole purpose of circumventing any of the requirements of this section.]~~

*10. The state contractors' board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.*

*11. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid or proposal on a contract for the completion of a public work. A written objection authorized pursuant to this subsection must:*

*(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and*

*(b) Be filed with the public body at or after the time at which the contractor submitted the bid or*

*proposal to the public body and before the time at which the public body awards the contract for which the bid or proposal was submitted.*

*12. If a public body receives a written objection pursuant to subsection 11, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and may proceed to award the contract accordingly.*

*Sec. 24. 1. The department shall advertise for preliminary proposals for the design and construction of a project by a design-build team at least twice each week for 3 consecutive weeks in:*

*(a) A newspaper of general circulation published in each county in which the project is proposed to be constructed or, if there is no such newspaper, in a newspaper of general circulation in each county published in this state; and*

*(b) A newspaper of general circulation in this state.*

*2. A request for preliminary proposals published pursuant to subsection 1 must include, without limitation:*

*(a) A description of the proposed project;*

*(b) Separate estimates of the costs of designing and constructing the project;*

*(c) The dates on which it is anticipated that the separate phases of the design and construction of the project will begin and end;*

*(d) A statement setting forth the place and time in which a design-build team desiring to submit a proposal for the project may obtain the information necessary to submit a proposal, including, without limitation, the extent to which designs must be completed for both preliminary and final proposals and any other requirements for the design and*

*construction of the project that the department determines to be necessary;*

*(e) A list of the requirements set forth in section 25 of this act;*

*(f) A list of the factors that the department will use to evaluate design-build teams who submit a proposal for the project, including, without limitation:*

*(1) The relative weight to be assigned to each factor; and*

*(2) A disclosure of whether the factors that are not related to cost are, when considered as a group, more or less important in the process of evaluation than the factor of cost;*

*(g) Notice that a design-build team desiring to submit a proposal for the project must include with its proposal the information used by the department to determine finalists among the design-build teams submitting proposals pursuant to subsection 2 of section 26 of this act and a description of that information;*

*(h) A statement that a design-build team whose prime contractor holds a certificate of eligibility to receive a preference in bidding on public works issued pursuant to NRS 338.147 or section 11 of Assembly Bill No. 298 of this session should submit a copy of the certificate of eligibility with its proposal;*

*(i) A statement as to whether a bidding design-build team that is selected as a finalist pursuant to section 26 of this act but is not awarded the design-build contract pursuant to section 27 of this act will be partially reimbursed for the cost of preparing a final proposal and, if so, an estimate of the amount of the partial reimbursement; and*

*(j) The date by which preliminary proposals must be submitted to the department, which must not be less than 30 days or more than 60 days after the date on which the request for preliminary proposals is first published in a newspaper pursuant to subsection 1.*

*Sec. 25. To qualify to participate in the design and construction of a project for the department, a design-build team must:*

*1. Obtain a performance bond and payment bond as the department may require;*

*2. Obtain insurance covering general liability and liability for errors and omissions;*

3. *Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause;*

4. *Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.145 or 408.333 or section 10 of Assembly Bill No. 298 of this session; and*

5. *Ensure that the members of the design-build team possess the licenses and certificates required to carry out the functions of their respective professions within this state.*

Sec. 27. 1. *After selecting the finalists pursuant to section 26 of this act, the department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:*

(a) *Set forth the factors that the department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and*

(b) *Set forth the date by which final proposals must be submitted to the department.*

2. *A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.144. If the cost of construction is a factor in the selection of a design-build team, a design-build team whose prime contractor has submitted with its proposal a certificate of eligibility to receive a preference in bidding on public works issued pursuant to NRS 338.147 or section 11 of Assembly Bill No. 298 of this session shall be deemed to have submitted a better proposal than a competing design-build team whose prime contractor has not submitted such a certificate of eligibility if the amount proposed by the design-build team is not more than 5 percent higher than the amount proposed by the competing design-build team.*

3. *At least 30 days after receiving the final proposals for the project, the department shall:*

(a) *Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsection 1; or*

*(b) Reject all the final proposals.*

*4. If the department selects a final proposal pursuant to paragraph (a) of subsection 3, the department shall hold a public meeting to:*

*(a) Review and ratify the selection.*

*(b) Award the design-build contract to the design-build team whose proposal is selected.*

*(c) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (i) of subsection 2 of section 24 of this act. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.*

*(d) Make available to the public a summary setting forth the factors used by the department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals. The department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.*

*5. A contract awarded pursuant to this section must specify:*

*(a) An amount that is the maximum amount that the department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;*

*(b) An amount that is the maximum amount that the department will pay for the performance of the professional services required by the contract; and*

*(c) A date by which performance of the work required by the contract must be completed.*

*6. A design-build team to whom a contract is awarded pursuant to this section shall:*

*(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and*

*(b) Use the work force of the prime contractor on the design-build team to construct at least 15 percent of the project.*

Sec. 35.2. Section 11 of this act is hereby amended to read as follows:

Sec. 11. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 6 and NRS 338.1907, a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (b) of subsection 1 of section 2 of Assembly Bill No. 298 of this session, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents that local government, shall not:

(a) Commence such a project for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a local government that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than \$25,000 but less than \$100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The local government shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the local government to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

- (a) The bidder is not responsive or responsible;
- (b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or
- (c) The public interest would be served by such a rejection.

5. Before a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; *or*

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993. ~~f; or~~

~~(e) The design and construction of a public work for which a public body contracts with a~~

~~design build team pursuant to sections 2 to 9, inclusive, of this act.]~~

Sec. 35.6. Sections 8, 11, 12 and 21 of Assembly Bill No. 298 of this session are hereby amended to read as follows:

Sec. 8. *1. Except as otherwise provided in subsection 7 and NRS 338.1906 and 338.1907, this state, or a local government that awards a contract for the construction, alteration or repair of a public work in accordance with paragraph (a) of subsection 1 of section 2 of this act, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work who represents the state or the local government, shall not:*

*(a) Commence such a project for which the estimated cost exceeds \$100,000 unless it advertises in a newspaper of general circulation in this state for bids for the project; or*

*(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).*

*2. Except as otherwise provided in subsection 7, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than \$25,000 but less than \$100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.*

*3. Each advertisement for bids must include a provision that sets forth:*

*(a) The requirement that a contractor must be qualified pursuant to section 5 of this act to bid on the contract or must be exempt from meeting such qualifications pursuant to section 6 of this act; and*

*(b) The period during which an application to qualify as a bidder on the contract must be submitted.*

*4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.*

*5. Any bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:*

*(a) The bidder is not a qualified bidder pursuant to section 5 of this act, unless the bidder is exempt from meeting such qualifications pursuant to section 6 of this act;*

*(b) The bidder is not responsive;*

*(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or*

*(d) The public interest would be served by such a rejection.*

*6. Before the state or a local government may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:*

*(a) A list of all persons, including supervisors, whom the state or the local government intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;*

*(b) A list of all equipment that the state or the local government intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;*

*(c) An estimate of the cost of administrative support for the persons assigned to the project;*

*(d) An estimate of the total cost of the project; and*

*(e) An estimate of the amount of money the state or the local government expects to save by rejecting the bids and performing the project itself.*

*7. This section does not apply to:*

*(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;*

*(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;*

*(c) Normal maintenance of the property of a school district;*

*(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993; or*

*(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to sections 2 to 9, inclusive, of Senate Bill No. 475 of this session.*

*Sec. 11. 1. Except as otherwise provided in section 8 of this act and sections 2 to 9, inclusive, of Senate Bill No. 475 of this session, a public body shall award a contract for a public work to the contractor who submits the best bid.*

*2. Except as otherwise provided in subsection 8 or limited by subsection 9, for the purposes of this section, a contractor who:*

*(a) Has been determined by the public body to be a qualified bidder pursuant to section 5 of this act or is exempt from meeting such requirements pursuant to section 6 of this act; and*

*(b) At the time he submits his bid, provides to the public body a copy of a certificate of eligibility to receive a preference in bidding on public works issued to him by the state contractors' board pursuant to subsection 3, shall be deemed to have submitted a better bid than a competing contractor who has not provided a copy of such a valid certificate of eligibility if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.*

*3. The state contractors' board shall issue a certificate of eligibility to receive a preference in*

*bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the general contractor has:*

*(a) Paid:*

*(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;*

*(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or*

*(3) Any combination of such sales and use taxes and motor vehicle privilege tax; or*

*(b) Acquired, by inheritance, gift or transfer through a stock option plan for employees, all the assets and liabilities of a viable, operating construction firm that possesses a:*

*(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and*

*(2) Certificate of eligibility to receive a preference in bidding on public works.*

*4. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3, a general contractor shall be deemed to have paid:*

*(a) Sales and use taxes and motor vehicle privilege taxes paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor; and*

*(b) Sales and use taxes paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.*

*5. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the state contractors' board pursuant to subsection 3 shall, at the time for the annual renewal of his contractors' license pursuant to NRS 624.283, submit to the board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 to maintain his eligibility to hold such a certificate.*

*6. A contractor who fails to submit an affidavit to the board pursuant to subsection 5 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3.*

*7. If a contractor who applies to the state contractors' board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the board becomes aware of the submission of the false information.*

*8. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than \$250,000.*

*9. Except as otherwise provided in subsection 2 of section 8 of Senate Bill No. 475 of this session, if a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers*

*separately meet the requirements of that subsection.*

*10. The state contractors' board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.*

*11. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid or proposal on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:*

*(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and*

*(b) Be filed with the public body at or after the time at which the contractor submitted the bid or proposal to the public body and before the time at which the public body awards the contract for which the bid or proposal was submitted.*

*12. If a public body receives a written objection pursuant to subsection 11, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and may proceed to award the contract accordingly.*

Sec. 12. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Day labor" means all cases where public bodies, their officers, agents or employees, hire,

supervise and pay the wages thereof directly to a workman or workmen employed by them on public works by the day and not under a contract in writing.

2. "Eligible bidder" means a person who ~~was found~~ is:

(a) *Found* to be a responsible *and responsive* contractor by a ~~public body which awarded a contract~~ *local government which requests bids* for a public work ~~in accordance with paragraph (b) of subsection 1 of section 2 of this act;~~ or

(b) *Determined by a public body which awarded a contract for a public work pursuant to sections 3 to 11, inclusive, of this act, to be qualified to bid on that contract pursuant to section 5 of this act or was exempt from meeting such qualifications pursuant to section 6 of this act.*

3. *"Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.*

4. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS; or

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS.

~~4~~ 5. *"Prime contractor" means a person who:*

(a) *Contracts to complete an entire project;*

(b) *Coordinates all work performed on the entire project;*

*(c) Uses his own work force to perform all or a part of the construction, repair or reconstruction of the project; and*

*(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.*

6. "Public body" means the state, county, city, town, school district or any public agency of this state or its political subdivisions sponsoring or financing a public work.

~~5-~~ 7. "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

- (1) Public buildings;
- (2) Jails and prisons;
- (3) Public roads;
- (4) Public highways;
- (5) Public streets and alleys;
- (6) Public utilities which are financed in whole or in part by public money;
- (7) Publicly owned water mains and sewers;
- (8) Public parks and playgrounds;
- (9) Public convention facilities which are financed at least in part with public funds; and

(10) ~~Any~~ **Any** other publicly owned works and property whose cost as a whole exceeds \$20,000. Each separate unit ~~which~~ **that** is a part of a project is included in the cost of the project ~~for the purpose of determining~~ **to determine** whether a project meets ~~this~~ **that** threshold.

(b) A building for the University and Community College System of Nevada of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by ~~the~~ **this** state or **from** federal money.

~~6-~~ 8. "Wages" means:

- (a) The basic hourly rate of pay; and
- (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

~~7-~~ 9. "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman. **The term does not**

*include a “design professional” as that term is defined in NRS 338.155.*

Sec. 21. 1. This section and sections 2 to 8, inclusive, 10 to 14, inclusive, ~~and~~ 16 to ~~19,~~ *19,* inclusive, *and 20* of this act become effective on October 1, 1999.

2. Sections ~~19~~ *19.2* and *19.6 of this act become effective on October 1, 2003.*

3. *Section 19.4 of this act becomes effective on May 1, 2013.*

4. *Section 15* of this act ~~become~~ *becomes* effective at 12:01 a.m. on May 1, 2013.

~~3. Sections 8.~~

5. *Sections 14, 18 and 19* of this act expire by limitation on May 1, 2013.

Sec. 35.8. Section 4 of Senate Bill No. 144 of this session is hereby amended to read as follows:

Sec. 4. “Contractor” means ~~fa~~:

1. A person who:

~~1.1~~ (a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that he is not required to be licensed pursuant to chapter 624 of NRS; and

~~1.2~~ (b) Contracts with a public body to provide labor, materials or services for a public work.

2. *A design-build team that contracts with a public body to design and construct a public work pursuant to sections 2 to 9, inclusive, of Senate Bill No. 475 of this session.*

Sec. 36. 1. NRS 341.171 ~~and section~~ *is hereby repealed.*

2. *Section 9* of Assembly Bill No. 298 of this session ~~are~~ *is* hereby repealed.

3. *Sections 1 and 2 of chapter 326, Statutes of Nevada 1999, at pages 1360 and 1362, respectively, sections 1 and 2 of chapter 390, Statutes of Nevada 1999, at pages 1849 and 1850, respectively, and section 34 of chapter 429, Statutes of Nevada 1999, at page 1991, are hereby repealed.*

Sec. 38. 1. This section and sections 35.4 , ~~and~~ 35.6 *and 35.9* of this act , *and subsection 3 of section 36 of this act,* become effective on *September 30, 1999.*

2. *Subsection 2 of section 36 of this act becomes effective on* October 1, 1999.

~~{2.}~~ 3. Sections 1 to 9, inclusive, 14 to 35, inclusive, ~~{36}~~ and 37 of this act, *and subsection 1 of section 36 of this act*, become effective on October 1, 1999, and expire by limitation on October 1, 2003.

~~{3.}~~ 4. *Section 13 of this act becomes effective at 12:01 a.m. on October 1, 1999.*

5. Sections 10 ~~{, 13}~~ and 35.8 of this act become effective at 12:01 a.m. on October 1, 1999, and expire by limitation on October 1, 2003.

~~{4.}~~ 6. Section 11 of this act becomes effective at 12:01 a.m. on October 1, 1999, and expires by limitation on May 1, 2013.

~~{5.}~~ 7. Section 13.5 of this act becomes effective ~~{at 12:01 a.m.}~~ on October 1, 2003.

~~{6.}~~ 8. Section 35.2 of this act becomes effective ~~{at 12:01 a.m.}~~ on October 1, 2003 and expires by limitation on May 1, 2013.

~~{7.}~~ 9. Section 12 of this act becomes effective at 12:02 a.m. on May 1, 2013.

2. Chapter 627, Statutes of Nevada 1999, at page 3503, is hereby amended by adding thereto a new section to be designated as section 35.9, immediately following section 35.8, to read as follows:

Sec. 35.9. Section 4 of chapter 326, Statutes of Nevada 1999, at page 1364, is hereby amended to read as follows:

Sec. 4. ~~{1.}~~ This section and ~~{sections 1 and}~~ *section 3* of this act become effective on October 1, 1999.

~~{2. Section 2 of this act becomes effective at 12:01 a.m. on May 1, 2013.~~

~~{3. Section 1 of this act expires by limitation on May 1, 2013.}~~

Sec. 16.2. Section 78 of chapter 13, Statutes of Nevada 2001, at page 338, is hereby amended to read as follows:

Sec. 78. ~~{1.}~~ This section and sections 1 to 24, inclusive, 26, 28 to 77, inclusive, and 79 of this act become effective on July 1, 2001.

~~{2. Section 25 of this act becomes effective at 12:01 a.m. on October 1, 2003.~~

~~{3. Section 27 of this act becomes effective at 12:02 a.m. on October 1, 2003.}~~

Sec. 16.3. Section 12 of chapter 259, Statutes of Nevada 2001, at page 1149, is hereby amended to read as follows:

Sec. 12. ~~{1.}~~ This section and sections *1 and 3* to 11, inclusive, of this act become effective on July 1, 2001.

~~{2. Section 1 of this act becomes effective on July 1, 2001, and expires by limitation on October 1, 2003.~~

~~—3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 2003.~~

Sec. 16.4. Section 6 of chapter 279, Statutes of Nevada 2001, at page 1274, is hereby amended to read as follows:

Sec. 6. 1. This section and sections 1, 2, 4 and 5 of this act become effective on October 1, 2001.

2. ~~{Sections 1, 2 and}~~ **Section** 4 of this act ~~{expire}~~ **expires** by limitation on October 1, 2003.

~~{3. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 2003.}~~

Sec. 16.5. Section 14 of chapter 397, Statutes of Nevada 2001, at page 1919, is hereby amended to read as follows:

Sec. 14. ~~{1.}~~ This section and sections 1 to 9, inclusive, 11, 12 and 13 of this act become effective on July 1, 2001.

~~{2. Section 9 of this act expires by limitation on October 1, 2003.~~

~~—3. Section 10 of this act becomes effective at 12:01 a.m. on October 1, 2003.~~

Sec. 16.6. Sections 8 and 15 of chapter 448, Statutes of Nevada 2001, at pages 2262 and 2279, respectively, are hereby amended to read respectively as follows:

Sec. 8. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in NRS 338.1385 and 338.1711 to 338.1727, inclusive, a public body shall award a contract for a public work to the contractor who submits the best bid.

2. Except as otherwise provided in subsection ~~{8}~~ **10** or limited by subsection ~~{9}~~ **11**, for the purposes of this section, a contractor who:

(a) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or is exempt from meeting such requirements pursuant to NRS 338.1373 or 338.1383; and

(b) At the time he submits his bid, provides to the public body a copy of a certificate of eligibility to receive a preference in bidding on public works issued to him by the state contractors' board pursuant to subsection 3 ~~{3}~~ **or 4**,

shall be deemed to have submitted a better bid than a competing contractor who has not provided a copy of such a valid certificate of eligibility if the amount of his bid is

not more than 5 percent higher than the amount bid by the competing contractor.

3. The state contractors' board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the general contractor has ~~it~~, *while licensed as a general contractor in this state:*

(a) Paid ~~it~~ *directly, on his own behalf:*

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by *purchase*, inheritance, gift or transfer through a stock option plan, ~~for employees,~~ all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. *The state contractors' board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this state:*

(a) *Paid directly, on his own behalf:*

(1) *The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for*

*construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;*

*(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or*

*(3) Any combination of such sales and use taxes and governmental services tax; or*

*(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:*

*(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and*

*(2) Certificate of eligibility to receive a preference in bidding on public works.*

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 ~~[-a general]~~ *and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:*

(a) Sales and use taxes and governmental services taxes that were paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor ~~[-]~~ *or specialty contractor, as applicable; and*

(b) Sales and use taxes that were paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

~~[-]~~ 6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the state contractors' board pursuant to subsection 3 *or 4* shall, at the time for the annual renewal of his contractor's license pursuant to NRS 624.283, submit to the board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 *or paragraph (a)*

*of subsection 4, as applicable*, to maintain his eligibility to hold such a certificate.

~~{6.}~~ 7. A contractor who fails to submit an affidavit to the board pursuant to subsection ~~{5}~~ 6 ceases to be eligible to receive a preference in bidding on public works unless he reapplies for and receives a certificate of eligibility pursuant to subsection 3 ~~{~~

~~7.}~~ *or 4, as applicable.*

*8. If a contractor holds more than one contractor's license, he must submit a separate application for each license pursuant to which he wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.*

9. If a contractor who applies to the state contractors' board for a certificate of eligibility to receive a preference in bidding on public works submits false information to the board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the board becomes aware of the submission of the false information.

~~{8.}~~ 10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than \$250,000.

~~{9.}~~ 11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

~~{10.}~~ 12. The state contractors' board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

~~{11.}~~ 13. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid or proposal on a contract for the

construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body at or after the time at which the contractor submitted the bid or proposal to the public body and before the time at which the public body awards the contract for which the bid or proposal was submitted.

~~[H2.]~~ **14.** If a public body receives a written objection pursuant to subsection ~~[H1.]~~ **13**, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and may proceed to award the contract accordingly.

Sec. 15. 1. This section and sections 1 to 4, inclusive, 7, 10, 13 and 14 of this act become effective on July 1, 2001.

2. Sections 5 ~~[, 8]~~ and 11 of this act become effective at 12:01 a.m. on July 1, 2001.

3. ~~[Section]~~ **Sections 8 and** 14.5 of this act ~~[becomes]~~ **become** effective at 12:02 a.m. on July 1, 2001.

4. Sections ~~[6 and 9 of this act become effective at 12:02 a.m. on October 1, 2003.~~

~~—5.— Section 12 of this act becomes effective at 12:03 a.m. on October 1, 2003.~~

~~—6.— Sections 5, 8, 11,]~~ 13 and 14 of this act expire by limitation on October 1, 2003.

**Sec. 68.** 1. Sections 4, 5, 7, 25 and 27 of chapter 412, Statutes of Nevada 2001, at pages 2025, 2026, 2035 and 2036, are hereby amended to read respectively as follows:

Sec. 4. NRS 293.127 is hereby amended to read as follows:

293.127 **1.** This Title must be liberally construed to the end that:

~~1.1~~ (a) All electors, including, without limitation, electors who are elderly or disabled, have an opportunity to participate in elections and to cast their votes privately;

~~2.1~~ (b) An eligible voter with a physical or mental disability is not denied the right to vote solely because of the physical or mental disability; and

~~3.1~~ (c) The real will of the electors is not defeated by any informality or by failure substantially to comply with the provisions of this Title with respect to the giving of any notice or the conducting of an election or certifying the results thereof.

***2. For purposes of counting a vote, the real will of an elector must be determined pursuant to section 2 or 23 of this act or regulations adopted pursuant to section 2 or 23 of this act.***

Sec. 5. NRS 293.3095 is hereby amended to read as follows:

293.3095 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the secretary of state, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form;

***and***

(2) Include a notice stating, "This is a request for an absent ballot."; ~~and~~

~~(3) State that by returning the form, the form will be submitted to the county clerk;~~

(b) Not later than 14 days before distributing such a form, provide ~~written notice~~ to the county clerk of each county to which a form will be distributed ***written notification*** of the ***approximate*** number of forms to be distributed to voters in the county and ***of the first date*** ~~of the distribution of~~ ***on which*** the forms ~~and~~ ***will be distributed;***

(c) ***Not return or offer to return to a county clerk a form that was mailed to a registered voter pursuant to this subsection; and***

(d) Not mail such a form later than 21 days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.

Sec. 7. NRS 293.323 is hereby amended to read as follows:

293.323 1. ~~[[~~ *Except as otherwise provided in subsection 2, if* the request for an absent ballot is made by mail or ~~[telegram,] facsimile machine,~~ the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base : ~~[, postage prepaid:]~~

(a) Except as otherwise provided in paragraph (b):

- (1) An absent ballot;
- (2) A return envelope;
- (3) Supplies for marking the ballot;
- (4) An envelope or similar device into which the ballot is inserted to ensure its secrecy; and
- (5) Instructions.

(b) In those counties using a mechanical voting system whereby a vote is cast by punching a card:

- (1) A card attached to a sheet of foam plastic or similar backing material;
- (2) A return envelope;
- (3) A punching instrument;
- (4) A sample ballot;
- (5) An envelope or similar device into which the card is inserted to ensure its secrecy; and
- (6) Instructions.

2. *If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the county clerk.*

3. The return envelope *sent pursuant to subsection 1* must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

~~[3.]~~ 4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 ~~[~~ ~~—4.]~~ *or 2.*

5. Before depositing ~~[the]~~ *a* ballot in the mails ~~[]~~ *or sending a ballot by facsimile machine,* the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, his political affiliation, if any, the number of the ballot and any remarks he finds appropriate.

**6. The secretary of state shall adopt regulations to carry out the provisions of subsection 2.**

Sec. 25. NRS 293C.306 is hereby amended to read as follows:

293C.306 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the secretary of state, which must, in 14-point type or larger:

(1) Identify the person who is distributing the form;

**and**

(2) Include a notice stating, "This is a request for an absent ballot."; ~~and~~

~~—(3) State that by returning the form, the form will be submitted to the city clerk;~~

(b) Not later than 14 days before distributing such a form, provide ~~written notice~~ to the city clerk of each city to which a form will be distributed **written notification** of the **approximate** number of forms to be distributed to voters in the city and **of the first date** ~~of the distribution of~~ **on which** the forms ~~;~~ **will be distributed;**

(c) **Not return or offer to return to the city clerk a form that was mailed to a registered voter pursuant to this subsection; and**

(d) Not mail such a form later than 21 days before the election.

2. The provisions of this section do not authorize a person to vote by absent ballot if he is not otherwise eligible to vote by absent ballot.

Sec. 27. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. ~~[[~~ **Except as otherwise provided in subsection 2, if** the request for an absent ballot is made by mail or ~~telegram,~~ **facsimile machine**, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base, or by air mail if the absent voter is in a foreign country but not on a military base : ~~postage prepaid;~~

(a) Except as otherwise provided in paragraph (b):

(1) An absent ballot;

(2) A return envelope;

(3) Supplies for marking the ballot;

(4) An envelope or similar device into which the ballot is inserted to ensure its secrecy; and

(5) Instructions.

(b) In those cities using a mechanical voting system whereby a vote is cast by punching a card:

(1) A card attached to a sheet of foam plastic or similar backing material;

(2) A return envelope;

(3) A punching instrument;

(4) A sample ballot;

(5) An envelope or similar device into which the card is inserted to ensure its secrecy; and

(6) Instructions.

2. *If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter shall mail his absent ballot to the city clerk.*

3. The return envelope *sent pursuant to subsection 1* must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

~~3.~~ 4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 ~~or~~ ~~4.~~ *or 2.*

5. Before depositing ~~the~~ *a* ballot with the United States Postal Service ~~or sending a ballot by facsimile machine,~~ the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, his precinct or district, the number of the ballot and any remarks he finds appropriate.

6. *The secretary of state shall adopt regulations to carry out the provisions of subsection 2.*

2. Chapter 412, Statutes of Nevada 2001, at page 2042, is hereby amended by adding thereto a new section to be designated as section 40, immediately following section 39, to read as follows:

Sec. 40. Sections 4, 5 and 25 of this act become effective at 12:01 a.m. on October 1, 2001.

**Sec. 69.** Sections 8, 10 and 85 of chapter 416, Statutes of Nevada 2001, at pages 2075, 2076 and 2115, respectively, are hereby amended to read respectively as follows:

Sec. 8. NRS 218.5388 is hereby amended to read as follows:

218.5388 As used in NRS 218.5388 to 218.53886, inclusive, *and section 7 of this act,* "committee" means a legislative committee for local government taxes and finance.

Sec. 10. NRS 266.285 is hereby amended to read as follows:

266.285 ~~[The]~~ *Except as otherwise provided in sections 13, 14 and 15 of this act, a city council may:*

1. Provide, by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.

2. Provide for the construction of any facility necessary for the provision of the utility.

3. Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and must be perfected by recording with the county recorder a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien:

(a) Is coequal with the latest lien thereon to secure the payment of general taxes.

(b) Is not subject to extinguishment by the sale of any property because of the nonpayment of general taxes.

(c) Is prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

Sec. 85. *1. This section and sections 1 to 7, inclusive, 9, 11 to 82, inclusive, 83.5 and 84 of this act* ~~[becomes]~~ *become* effective on July 1, 2001. ~~[, and]~~

*2. Sections 8 and 10 of this act become effective at 12:01 a.m. on July 1, 2001.*

*3. This act expires by limitation on July 1, 2003.*

**Sec. 70.** 1. Section 3 of chapter 419, Statutes of Nevada 2001, at page 2124, is hereby amended to read as follows:

Sec. 3. NRS 244A.7643 is hereby amended to read as follows:

244A.7643 1. ~~[The]~~ *Except as otherwise provided in this section, the* board of county commissioners in a county whose population is *20,000 or* more ~~[than 100,000]~~ but less than 400,000 may, by ordinance, impose a surcharge on:

(a) Each access line or trunk line of each customer to the local exchange of any telephone company providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service who resides in the county, for the enhancement of the telephone system for reporting an emergency in the county.

*2. The board of county commissioners of a county whose population is less than 100,000 may not impose a*

*surcharge pursuant to this section unless the board first adopts a 5-year master plan for the enhancement of the telephone system for reporting emergencies in the county. The master plan must include an estimate of the cost of the enhancement of the telephone system and all proposed sources of money for funding the enhancement.*

3. The surcharge imposed by a board of county commissioners pursuant to ~~subsection 1:~~ *this section:*

(a) For each access line to the local exchange of a telephone company, must not exceed 25 cents each month;

(b) For each trunk line to the local exchange of a telephone company, must equal 10 times the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a); and

(c) For each telephone number assigned to a customer by a supplier of mobile telephone service, must equal the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a).

~~3:~~ 4. A telephone company which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county, shall collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, the telephone company or supplier shall remit the surcharge it collects to the treasurer of the county ~~where~~ *in which* the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

~~4:~~ 5. An ordinance adopted pursuant to subsection 1 may include a schedule of penalties for the delinquent payment of amounts due from telephone companies or suppliers pursuant to this section. Such a schedule:

(a) Must provide for a grace period of not less than 90 days after the date on which the telephone company or supplier must otherwise remit the surcharge to the county treasurer; and

(b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a telephone company or a supplier.

~~5:~~ 6. As used in this section, "trunk line" means a line which provides a channel between a switchboard owned by a customer of a telephone company and the local exchange of the telephone company.

2. Chapter 419, Statutes of Nevada 2001, at page 2126, is hereby amended by adding thereto a new section to be designated as section 5.5, immediately following section 5, to read as follows:

Sec. 5.5. Section 3 of chapter 346, Statutes of Nevada 2001, at page 1643, is hereby amended to read as follows:

Sec. 3. NRS 244A.7643 is hereby amended to read as follows:

244A.7643 1. Except as otherwise provided in this section, the board of county commissioners in a county whose population is 20,000 or more but less than 400,000 may, by ordinance, impose a surcharge on:

(a) Each access line or trunk line of each customer to the local exchange of any telephone company providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service ~~[who resides]~~ *whose place of primary use is* in the county, for the enhancement of the telephone system for reporting an emergency in the county.

2. The board of county commissioners of a county whose population is less than 100,000 may not impose a surcharge pursuant to this section unless the board first adopts a 5-year master plan for the enhancement of the telephone system for reporting emergencies in the county. The master plan must include an estimate of the cost of the enhancement of the telephone system and all proposed sources of money for funding the enhancement.

3. The surcharge imposed by a board of county commissioners pursuant to this section:

(a) For each access line to the local exchange of a telephone company, must not exceed 25 cents each month;

(b) For each trunk line to the local exchange of a telephone company, must equal 10 times the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a); and

(c) For each telephone number assigned to a customer by a supplier of mobile telephone service, must equal the amount of the surcharge imposed for each access line to the local exchange of a telephone company pursuant to paragraph (a).

4. A telephone company which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county ~~[.]~~ shall collect the surcharge from its customers each month.

Except as otherwise provided in NRS 244A.7647, the telephone company or supplier shall remit the surcharge it collects to the treasurer of the county in which the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

5. An ordinance adopted pursuant to subsection 1 may include a schedule of penalties for the delinquent payment of amounts due from telephone companies or suppliers pursuant to this section. Such a schedule:

(a) Must provide for a grace period of not less than 90 days after the date on which the telephone company or supplier must otherwise remit the surcharge to the county treasurer; and

(b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a telephone company or a supplier.

6. As used in this section, "trunk line" means a line which provides a channel between a switchboard owned by a customer of a telephone company and the local exchange of the telephone company.

**Sec. 71.** 1. Section 8 of chapter 425, Statutes of Nevada 2001, at page 2141, is hereby amended to read as follows:

Sec. 8. **1.** This *section and sections 1 to 6, inclusive, and 7 of this act* ~~becomes~~ *become* effective on July 1, 2001.

**2.** *Section 6.5 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

2. Chapter 425, Statutes of Nevada 2001, at page 2141, is hereby amended by adding thereto a new section to be designated as section 6.5, immediately following section 6, to read as follows:

Sec. 6.5. NRS 284.384 is hereby amended to read as follows:

284.384 1. The director shall propose, and the commission shall adopt, regulations which provide for the adjustment of grievances for which a hearing is not provided by NRS 284.165, 284.245, 284.376 or 284.390 ~~or~~ *or section 4 of this act*. Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.376 or 284.390 *or section 4 of this act* is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance within the agency in which it arose.

(b) Submission to the employee-management committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the budget division of the department of administration for a determination by that division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance which is subject to adjustment pursuant to this section may be appealed to the employee-management committee for a final decision.

5. The employee may represent himself at any hearing regarding a grievance which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

**Sec. 72.** Chapter 445, Statutes of Nevada 2001, at page 2163, is hereby amended by adding thereto a new section to be designated as section 16.5, immediately following section 16, to read as follows:

Sec. 16.5. NRS 353B.110 is hereby amended to read as follows:

353B.110 The board:

1. May modify the ~~{rules}~~ *regulations* for the implementation of the program ~~{established}~~ *adopted* pursuant to subsection 2 of NRS 353B.090.

2. May establish agreements to fulfill its obligations under the prepaid tuition contracts.

3. May contract for any necessary good or service, including, without limitation, the power to engage financial consultants, actuaries or legal counsel.

4. May procure insurance against any loss in connection with the property, assets or activities of the trust fund, the state treasurer or the board.

5. May solicit and accept a gift, including, without limitation, a bequeathment or other testamentary gift, grant, loan or aid from any source.

6. Shall solicit answers to requests for rulings from the Internal Revenue Service regarding the tax status of fees paid

to or on behalf of a purchaser or a qualified beneficiary pursuant to a prepaid tuition contract.

**Sec. 73.** Sections 91, 108, 243 and 245 of chapter 446, Statutes of Nevada 2001, at pages 2196, 2205 and 2256, are hereby amended to read respectively as follows:

Sec. 91. *1. An applicant for a license as a producer of insurance who desires to use a name other than his true name as shown on the license shall file with the commissioner a certified copy of the certificate or any renewal certificate filed pursuant to chapter 602 of NRS. An incorporated applicant or licensee shall file with the commissioner a document showing the corporation's true name and all fictitious names under which it conducts or intends to conduct business. A licensee shall file promptly with the commissioner written notice of any change in or discontinuance of the use of a fictitious name.*

*2. The commissioner may disapprove in writing the use of a true name, other than the true name of a natural person who is the applicant or licensee, or a fictitious name of any applicant or licensee, on any of the following grounds:*

*(a) The name interferes with or is deceptively similar to a name already filed and in use by another licensee.*

*(b) Use of the name may mislead the public in any respect.*

*(c) The name states or implies that the applicant or licensee is an insurer, motor club or hospital service plan or is entitled to engage in activities related to insurance not permitted under the license applied for or held.*

*(d) The name states or implies that the licensee is an underwriter, but:*

*(1) A natural person licensed as an agent or broker for life insurance may describe himself as an underwriter or "chartered life underwriter" if entitled to do so;*

*(2) A natural person licensed for property and casualty insurance may use the designation "chartered property and casualty underwriter" if entitled thereto; and*

*(3) An insurance agent or brokers' trade association may use a name containing the word "underwriter."*

*(e) The licensee has already filed and not discontinued the use of more than two names, including the true name.*

*3. A licensee shall not use a name after written notice from the commissioner that its use violates the provisions of this section. If the commissioner determines that the use is justified by mitigating circumstances, he may permit, in writing, the use of the name to continue for a specified*

*reasonable period upon conditions imposed by him for the protection of the public consistent with this section.*

*4. Paragraphs (a), (c) and (d) of subsection 2 do not apply to the true name of an organization which on July 1, 1965, held under that name a type of license similar to those governed by this chapter, or to a fictitious name used on July 1, 1965, by a natural person or organization holding such a license, if the fictitious name was filed with the commissioner on or before July 1, 1965.*

Sec. 108. (Deleted by amendment.)

Sec. 243. NRS 683A.030, 683A.040, 683A.050, 683A.070, 683A.080, 683A.100, 683A.120, 683A.130, **683A.150**, 683A.170, 683A.180, 683A.190, 683A.200, 683A.220, 683A.230, 683A.240, 683A.260, 683A.270, 683A.280, 683A.290, 683A.300, 683A.320, 683A.330, 683A.340, 683A.360, 683A.380, 683A.420, 683A.430, 683A.440, 683A.450, 683A.460, 683A.470, 689B.160, 689B.220, 689B.230, 689B.240 and 693A.360 are hereby repealed.

Sec. 245. 1. This section and section 242 of this act become effective upon passage and approval.

2. Sections 1 to 241, inclusive, 243 and 244 of this act become effective on October 1, 2001.

3. ~~Section~~ **Sections 59 and 65** of this act ~~expires~~ **expire** by limitation on October 1, 2003.

**Sec. 74.** Sections 7, 13 and 15 of chapter 448, Statutes of Nevada 2001, at pages 2262, 2275 and 2279, respectively, are hereby amended to read respectively as follows:

Sec. 7. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government shall award a contract for the construction, alteration or repair of a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.1389, inclusive ~~;~~ , **and sections 2 and 3 of this act**; or

(b) NRS 338.143, 338.145 and 338.147 ~~;~~ **and section 4 of this act.**

2. The provisions of NRS 338.1375 to 338.1383, inclusive, **and section 2 of this act** do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the department of transportation pursuant to NRS 408.313 to 408.433, inclusive, and section 1 of Assembly Bill No. 86 of this session.

Sec. 13. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section, a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds \$100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body determines that:

(a) The public work is:

(1) A plant or facility for the treatment and pumping of water or the treatment and disposal of wastewater or sewage, the estimated cost of which exceeds \$100,000,000; or

(2) Any other type of public work, except a stand-alone underground utility project, the estimated cost of which exceeds \$30,000,000; and

(b) Contracting with a design-build team will enable the public body to:

(1) Design and construct the public work at a cost that is significantly lower than the cost that the public body would incur to design and construct the public work using a different method;

(2) Design and construct the public work in a shorter time than would be required to design and construct the public work using a different method, if exigent circumstances require that the public work be designed and constructed within a short time; or

(3) Ensure that the design and construction of the public work is properly coordinated, if the public work is unique, highly technical and complex in nature.

3. Each state agency and each local government may contract with a design-build team once in each fiscal year for the design and construction of a public work if the governing body of the entity that is responsible for financing the public work determines that:

(a) The estimated cost of the public work is:

(1) At least \$250,000 but less than \$30,000,000 if the public work is the construction of a park and appurtenances thereto, the rehabilitation or remodeling of a public building, or the construction of an addition to a public building;

(2) At least \$500,000 but less than \$30,000,000 if the public work is the construction of a new public building;

(3) At least \$5,000,000 but less than \$100,000,000 if the public work is the construction, alteration or repair of a

plant or facility for the treatment and pumping of water or the treatment and disposal of wastewater or sewage; or

(4) At least \$5,000,000 but less than \$30,000,000 if the public work is the construction, alteration or repair of any other fixed works as described in subsection 2 of NRS 624.215; and

(b) Contracting with a design-build team will enable the public body to:

(1) Design and construct the public work at a cost that is significantly lower than the cost that the public body would incur to design and construct the public work using a different method;

(2) Design and construct the public work in a shorter time than would be required to design and construct the public work using a different method, if exigent circumstances require that the public work be designed and constructed within a short time; or

(3) Ensure that the design and construction of the public work is properly coordinated, if the public work is unique, highly technical and complex in nature.

4. Notwithstanding the provisions of subsections 1, 2 and 3, a public body may contract with:

(a) A nonprofit organization for the design and construction of a project to restore, enhance or develop wetlands.

(b) A prime contractor ~~[, specialty contractor]~~ or design-build team with respect to a public work if the public body determines that the public work is:

(1) Not part of a larger public work; and

(2) Limited in scope to:

(I) Removal of asbestos;

(II) Replacement of equipment or systems for heating, ventilation and air-conditioning;

(III) Replacement of a roof;

(IV) Landscaping; or

(V) Restoration, enhancement or development of wetlands.

5. As used in this section, "state agency" includes an agency, bureau, board, commission, department, division or any other unit of the legislative department, judicial department or executive department of state government or the University and Community College System of Nevada.

Sec. 15. 1. This section and sections 1 to 4, inclusive, ~~[7, 10, 13]~~ 10 and 14 of this act become effective on July 1, 2001.

2. Sections 5 ~~[and]~~, 7, 11 *and 13* of this act become effective at 12:01 a.m. on July 1, 2001.

3. Sections 8 and 14.5 of this act become effective at 12:02 a.m. on July 1, 2001.

~~[4.—Sections 13 and 14 of this act expire by limitation on October 1, 2003.]~~

**Sec. 75.** Sections 7 and 10 of chapter 453, Statutes of Nevada 2001, at pages 2285 and 2286, respectively, are hereby amended to read respectively as follows:

Sec. 7. NRS 284.140 is hereby amended to read as follows:

284.140 The unclassified service of the state consists of the following state officers or employees in the executive department of the state government who receive annual salaries for their service:

1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.

2. Except as otherwise provided in *section 3 of this act and* NRS 223.085 and 223.570, all persons required by law to be appointed by the governor or heads of departments or agencies appointed by the governor or by boards.

3. All employees other than clerical in the office of the attorney general and the state public defender required by law to be appointed by the attorney general or the state public defender.

4. Except as otherwise provided by the board of regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the agricultural extension department and experiment station of the University and Community College System of Nevada, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The board of regents of the University of Nevada shall assist the director in carrying out the provisions of this chapter applicable to the University and Community College System of Nevada.

5. All other officers and employees authorized by law to be employed in the unclassified service.

Sec. 10. **1.** This *section and sections 1 to 6, inclusive, 8 and 9 of this* act ~~[becomes]~~ *become* effective on July 1, 2001.

**2.** *Section 7 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

**Sec. 76.** Sections 1, 6 and 8 of chapter 454, Statutes of Nevada 2001, at pages 2287, 2290 and 2291, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 281.230 is hereby amended to read as follows:

281.230 1. Except as otherwise provided in this section and NRS 218.605, the following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other *significant* transaction in which the employing state, county, municipality, township, district or quasi-municipal corporation is in any way *directly* interested or affected:

(a) State, county, municipal, district and township officers of the State of Nevada;

(b) Deputies and employees of state, county, municipal, district and township officers; and

(c) Officers and employees of quasi-municipal corporations.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may, in the ordinary course of his business, bid on or enter into a contract with any governmental agency, except the board or commission of which he is a member, if he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the University and Community College System of Nevada may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the board of regents of the University of Nevada pursuant to section 1 of ~~{this act.}~~ *Senate Bill No. 543 of this session.*

4. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers.

5. A person who violates any of the provisions of this section shall be punished as provided in NRS 197.230 and:

(a) Where the commission, personal profit or compensation is \$250 or more, for a category D felony as provided in NRS 193.130.

(b) Where the commission, personal profit or compensation is less than \$250, for a misdemeanor.

6. A person who violates the provisions of this section shall pay any commission, personal profit or compensation resulting from the contract or transaction to the employing state, county, municipality, township, district or quasi-municipal corporation as restitution.

Sec. 6. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in subsection 2 or 3, if a candidate for public office or a public officer is entitled to receive compensation for serving in the office in question, he shall file with the commission, and with the officer with whom declarations of candidacy for the office in question are filed, a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office.

(b) A public officer appointed to fill the unexpired term of an elected public officer shall file a statement of financial disclosure within 30 days after his appointment.

(c) Every public officer, whether appointed or elected, shall file a statement of financial disclosure on or before March 31 of each year of the term, including the year the term expires.

(d) A public officer who leaves office on a date other than the expiration of his term or anniversary of his appointment or election, shall file a statement of financial disclosure within 60 days after leaving office.

2. A statement filed pursuant to one of the paragraphs of subsection 1 may be used to satisfy the requirements of another paragraph of subsection 1 if the initial statement was filed not more than 3 months before the other statement is required to be filed. ~~[The public officer shall notify the commission in writing of his intention to use the previously filed statement to fulfill the present requirement.]~~

3. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office in which he is also serving. ~~[The person shall notify the~~

~~commission in writing of his intention to use the statement for the initial office to fulfill the requirements of subsection 1 for every other office.]~~

4. A person may satisfy the requirements of subsection 1 by filing with the commission a copy of a statement of financial disclosure that was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the commission.

5. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

Sec. 8. 1. This section and sections 1, 2 ~~[and 4 to 7, inclusive,]~~ , 4, 5 and 7 of this act become effective on October 1, 2001.

2. ~~[Section]~~ Sections 3 and 6 of this act ~~[becomes]~~ *become* effective at 12:01 a.m. on October 1, 2001.

**Sec. 77.** Sections 12, 36, 37, 38, 40, 43, 45, 47, 53, 54 and 60 of chapter 456, Statutes of Nevada 2001, at pages 2306, 2319, 2320, 2323, 2324, 2327, 2333, 2336, 2337 and 2338, are hereby amended to read respectively as follows:

Sec. 12. NRS 350.004 is hereby amended to read as follows:

350.004 1. Before any proposal to incur a general obligation debt or levy a special elective tax may be submitted to the electors of a municipality, before any issuance of general obligation bonds pursuant to subsection 4 of NRS 350.020 , *before entering into an installment-purchase agreement with a term of more than 10 years* or , before any other formal action may be taken preliminary to the incurrence of any general obligation debt, the proposed incurrence or levy must receive the favorable vote of two-thirds of the members of the commission of each county in which the municipality is situated.

2. Before the board of trustees of a district organized or reorganized pursuant to chapter 318 of NRS whose population within its boundaries is less than 5,000 ~~[ ]~~ *incurs a medium-term obligation or otherwise* borrows money or issues securities to evidence such borrowing, other than securities representing a general obligation debt ~~[ ]~~ *or installment-purchase agreements with a term of 10 years or less*, the proposed borrowing or issuing of securities must

receive the favorable vote of a majority of the members of the commission of each county in which the district is situated.

3. When any municipality other than a general improvement district whose population within its boundaries is less than 5,000 ~~H~~ issues any special obligations, it shall so notify in its annual report the commission of each county in which any of its territory is situated.

4. The commission shall not approve any proposal submitted to it pursuant to this section by a municipality:

(a) Which, if the proposal is for the financing of a capital improvement, is not included in its plan for capital improvement submitted pursuant to NRS 350.0035, if such a plan is required to be submitted;

(b) If, based upon:

(1) Estimates of the amount of tax revenue from property taxes needed for the special elective tax, or to repay the general obligation debt, and the dates that revenue will be needed, as provided by the municipality;

(2) Estimates of the assessed valuation of the municipality for each of the years in which tax revenue is needed, as provided by the municipality;

(3) The amount of any other required levies of property taxes, as shown on the most recently filed final budgets of each entity authorized to levy property taxes on any property within the municipality submitting the proposal; and

(4) Any other factor the municipality discloses to the commission,

the proposal would result in a combined property tax rate in any of the overlapping entities within the county which exceeds the limit provided in NRS 361.453, unless the proposal also includes an agreement which complies with NRS 361.457 and which is approved by the governing bodies of all affected municipalities within the area as to how the combined property tax rates will be brought into compliance with *the statutory limitation or unless the commission adopts a plan that is approved by the executive director of the department of taxation pursuant to which the combined property tax rate will be in compliance with* the statutory limitation; or

(c) If, based upon the factors listed in subparagraphs (1) to (4), inclusive, of paragraph (b), the proposal will affect the ability of an affected governmental entity to levy the maximum amount of property taxes that it may levy pursuant to NRS 354.59811, unless:

(1) The proposal includes a resolution approving the proposal pursuant to subsection 3 of section 3 of *Senate Bill No. 123 of this ~~act~~ session* from each affected governmental entity whose ability to levy property taxes will be affected by the commission's approval of the proposal; or

(2) The commission has resolved all conflicts between the municipality and all affected governmental entities and has approved the increase in property taxes resulting from the proposal pursuant to section 3 of *Senate Bill No. 123 of this ~~act~~ session*.

5. Except as otherwise provided in subsection 6, if general obligation debt is to be incurred more than 36 months after the approval of that debt by the commission, the governing body of the municipality shall obtain ~~the~~ *additional* approval of the ~~executive director of the department of taxation~~ *commission* before incurring the general obligation debt. The ~~executive director~~ *commission* shall *only* approve ~~the~~ *a* proposal *that is submitted pursuant to this subsection* if, based on the information set forth in paragraph (b) of subsection 4 that is accurate as of the date on which the governing body submits, *pursuant to this subsection*, its request for approval to the ~~executive director~~ *commission*:

(a) Incurrence of the general obligation debt will not result in a combined property tax rate in any of the overlapping entities within the county which exceeds the limit provided in NRS 361.453; ~~or~~

(b) The proposal includes an agreement approved by the governing bodies of all affected municipalities within the area as to how the combined tax rates will be brought into compliance with the statutory limitation ~~it~~; *or*

*(c) The commission adopts a plan that is approved by the executive director of the department of taxation pursuant to which the combined property tax rate will be in compliance with the statutory limitation.*

The approval of the ~~executive director~~ *commission pursuant to this subsection* is effective for 18 months. The governing body of the municipality may renew that approval for successive periods of 18 months by filing an application for renewal with the ~~executive director~~ *commission*. Such an application must be accompanied by the information set forth in paragraph (b) of subsection 4 that is accurate as of the date the governing body files the application for renewal.

6. The ~~executive director of the department of taxation~~ *commission* may not approve a proposal pursuant to subsection 5 which, based upon the factors listed in

subparagraphs (1) to (4), inclusive, of paragraph (b) of subsection 4, will affect the ability of an affected governmental entity to levy the maximum amount of property taxes that it may levy pursuant to NRS 354.59811, unless:

(a) The proposal includes a resolution approving the proposal pursuant to subsection 3 of section 3 of *Senate Bill No. 123 of this [act] session* from each affected governmental entity whose ability to levy property taxes will be affected by the commission's approval of the proposal; or

(b) The commission has resolved all conflicts between the municipality and all affected governmental entities and has approved the increase in property taxes resulting from the proposal pursuant to section 3 of *Senate Bill No. 123 of this [act]*

~~7. If the executive director does not approve a proposal submitted to him pursuant to subsection 5, the governing body of the municipality may appeal his decision to the Nevada tax commission.~~

~~8.] session.~~

7. As used in this section, "affected governmental entity" has the meaning ascribed to it in subsection 9 of section 3 of *Senate Bill No. 123 of this [act.] session*.

Sec. 36. NRS 354.598 is hereby amended to read as follows:

354.598 1. At the time and place advertised for public hearing, or at any time and place to which the public hearing is from time to time adjourned, the governing body shall hold a public hearing on the tentative budget, at which time interested persons must be given an opportunity to be heard.

2. At the public hearing, the governing body shall indicate changes, if any, to be made in the tentative budget, and shall adopt a final budget by the favorable votes of a majority of all members of the governing body. Except as otherwise provided in this subsection, the final budget must be adopted on or before June 1 of each year. The final budgets of school districts must be adopted on or before June 8 of each year and must be accompanied by copies of the written report and written procedure prepared pursuant to subsection 3 of NRS 385.351. Should the governing body fail to adopt a final budget that complies with the requirements of law and the regulations of the ~~[department of taxation]~~ *committee on local government finance* on or before the required date, the budget adopted and used for certification of the combined ad valorem tax rate by the department of taxation for the current year, adjusted as to content and rate in such a manner as the department of taxation may consider

necessary, automatically becomes the budget for the ensuing fiscal year. When a budget has been so adopted by default, the governing body may not reconsider the budget without the express approval of the department of taxation. If the default budget creates a combined ad valorem tax rate in excess of the limit imposed by NRS 361.453, the Nevada tax commission shall adjust the budget as provided in NRS 361.4547 or 361.455.

3. The final budget must be certified by a majority of all members of the governing body and a copy of it, together with an affidavit of proof of publication of the notice of the public hearing, must be transmitted to the Nevada tax commission. If a tentative budget is adopted by default as provided in subsection 2, the clerk of the governing body shall certify the budget and transmit to the Nevada tax commission a copy of the budget, together with an affidavit of proof of the notice of the public hearing, if that notice was published. Certified copies of the final budget must be distributed as determined by the department of taxation.

4. Upon the adoption of the final budget or the amendment of the budget in accordance with section 5 of ~~[this act.]~~ *Senate Bill No. 317 of this session*, the several amounts stated in it as proposed expenditures are appropriated for the purposes indicated in the budget.

5. No governing body may adopt any budget which appropriates for any fund any amount in excess of the budget resources of that fund.

6. If a local government makes a change in its final budget which increases the combined ad valorem tax rate, the local government shall submit the amended final budget to the county auditor within 15 days after making the change.

Sec. 37. NRS 354.59811 is hereby amended to read as follows:

354.59811 1. Except as otherwise provided in NRS 354.59813, 354.59815, 354.5982, 354.5987, 354.705, 354.723, 450.425, 450.760, 540A.265 and 543.600, and section 4 of Senate Bill No. 203 of this session, for each fiscal year beginning on or after July 1, 1989, the maximum amount of money that a local government, except a school district, a district to provide a telephone number for emergencies ~~[.]~~ or a redevelopment agency, may receive from taxes ad valorem, other than those attributable to the net proceeds of minerals or those levied for the payment of bonded indebtedness and interest thereon incurred as general long-term debt of the issuer, or for the payment of obligations issued to pay the cost of a water project pursuant to NRS 349.950, or for the

payment of obligations under a capital lease executed before April 30, 1981, must be calculated as follows:

(a) The rate must be set so that when applied to the current fiscal year's assessed valuation of all property which was on the preceding fiscal year's assessment roll, together with the assessed valuation of property on the central assessment roll which was allocated to the local government, but excluding any assessed valuation attributable to the net proceeds of minerals, assessed valuation attributable to a redevelopment area and assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, it will produce 106 percent of the maximum revenue allowable from taxes ad valorem for the preceding fiscal year, except that the rate so determined must not be less than the rate allowed for the previous fiscal year, except for any decrease attributable to the imposition of a tax pursuant to NRS 354.59813 in the previous year.

(b) This rate must then be applied to the total assessed valuation, excluding the assessed valuation attributable to the net proceeds of minerals and the assessed valuation of a fire protection district attributable to real property which is transferred from private ownership to public ownership for the purpose of conservation, but including new real property, possessory interests and mobile homes, for the current fiscal year to determine the allowed revenue from taxes ad valorem for the local government.

2. As used in this section, "general long-term debt" does not include debt created for medium-term obligations pursuant to NRS ~~350.085~~ 350.087 to 350.095, inclusive.

Sec. 38. NRS 354.59817 is hereby amended to read as follows:

354.59817 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, upon the approval of a majority of the registered voters of a county voting upon the question, the board of county commissioners may levy a tax ad valorem on all taxable property in the county at a rate not to exceed 15 cents per \$100 of the assessed valuation of the county. A tax must not be levied pursuant to this section for more than 10 years.

2. The board of county commissioners shall direct the county treasurer to distribute quarterly the proceeds of any tax levied pursuant to the provisions of this section among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the

1990-1991 fiscal year bears to the sum of the supplemental city-county relief tax distribution factors of all the local governments in the county for the 1990-1991 fiscal year.

3. The board of county commissioners shall not reduce the rate of any tax levied pursuant to the provisions of this section without the approval of each of the local governments that receives a portion of the tax, except that, if a local government declines to receive its portion of the tax in a particular year the levy may be reduced by the amount that local government would have received.

4. The governing body of each local government that receives a portion of the revenue from the tax levied pursuant to this section shall establish a separate capital projects fund for the purposes set forth in this section. All interest and income earned on the money in the fund must also be deposited in the fund. The money in the fund may only be used for:

(a) The purchase of capital assets including land, improvements to land and major items of equipment;

(b) The construction or replacement of public works; and

(c) The renovation of existing governmental facilities, not including normal recurring maintenance.

The money in the fund must not be used to finance the issuance or the repayment of bonds or other obligations, including medium-term obligations ~~and~~ *and installment-purchase agreements.*

5. Money may be retained in the fund for not more than 10 years to allow the funding of projects without the issuance of bonds or other obligations. For the purpose of determining the length of time a deposit of money has been retained in the fund, all money withdrawn from the fund shall be deemed to be taken on a first-in, first-out basis. No money in the fund at the end of the fiscal year may revert to any other fund, nor may the money be a surplus for any other purpose than those specified in this section.

6. The annual budget and audit report of each local government must specifically identify this fund and must indicate in detail the projects that have been funded with money from the fund. Any planned accumulation of the money in the fund must also be specifically identified.

7. The projects on which money raised pursuant to this section will be expended must be approved by the voters in the question submitted pursuant to subsection 1 or in a separate question submitted on the ballot at a ~~primary,~~ general or special election.

Sec. 40. NRS 354.6105 is hereby amended to read as follows:

354.6105 1. A local government may establish a fund for the extraordinary maintenance, repair or improvement of capital projects.

2. Any interest and income earned on the money in the fund in excess of any amount which is reserved for rebate payments to the Federal Government pursuant to 26 U.S.C. § 148, as amended, or is otherwise required to be applied in a specific manner by the Internal Revenue Code of 1986, as amended, must be credited to the fund.

3. ~~The~~ *Except as otherwise provided in NRS 374A.020, the* money in the fund may be used only for the extraordinary maintenance, repair or improvement of ~~the~~ capital projects or facilities ~~which~~ *that* replace capital projects of the ~~local government~~ *entity* that made the deposits ~~into~~ *in* the fund. The money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than the purpose specified in this subsection.

4. *As used in this section, "extraordinary maintenance, repair or improvement" means all expenses ordinarily incurred not more than once every 5 years to maintain a local governmental facility or capital project in a fit operating condition.*

Sec. 43. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments, and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, is guilty of a misdemeanor, and upon conviction thereof ceases to hold his office or employment. Prosecution for any violation of this section may be conducted by the attorney general, or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, ~~or~~ medium-term obligations *or an installment-purchase agreement* and that are entered into by the local government after:

(1) Any election required for the approval of the bonds *or installment-purchase agreement* has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, ~~or~~ medium-term obligations *or installment-purchase agreement* can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, ~~or~~ medium-term obligations ~~or~~ *or installment-purchase agreement*, except those terms that are set forth in paragraphs (a) to (e), inclusive, of subsection 2 of NRS 350.165, has been adopted.

Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services ~~or~~ and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year, and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

Sec. 45. NRS 355.170 is hereby amended to read as follows:

355.170 1. Except as otherwise provided in this section, NRS 354.750 and section 1 of Assembly Bill No. 96 of this session, a board of county commissioners, a board of trustees of a county school district or the governing body of an incorporated city may purchase for investment the following securities and no others:

(a) Bonds and debentures of the United States, the maturity dates of which do not extend more than 10 years after the date of purchase.

(b) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive.

(c) Bills and notes of the United States Treasury, the maturity date of which is not more than 10 years after the date of purchase.

(d) Obligations of an agency or instrumentality of the United States of America or a corporation sponsored by the government, the maturity date of which is not more than 10 years after the date of purchase.

(e) Negotiable certificates of deposit issued by commercial banks, insured credit unions or savings and loan associations.

(f) Securities which have been expressly authorized as investments for local governments or agencies, as defined in NRS 354.474, by any provision of Nevada Revised Statutes or by any special law.

(g) Nonnegotiable certificates of deposit issued by insured commercial banks, insured credit unions or insured savings and loan associations, except certificates that are not within the limits of insurance provided by an instrumentality of the United States, unless those certificates are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133. For the purposes of this paragraph, any reference in NRS 356.133 to a "county treasurer" or "board of county commissioners" shall be deemed to refer to the appropriate financial officer or governing body of the county, school district or city purchasing the certificates.

(h) Subject to the limitations contained in NRS 355.177, negotiable notes or ~~short time negotiable bonds~~ *medium-term obligations* issued by local governments of the State of Nevada pursuant to NRS ~~350.091~~ *350.087 to 350.095, inclusive.*

(i) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve Banks, and generally accepted by banks or trust companies which are members of the Federal Reserve System. Eligible bankers' acceptances may not exceed 180 days' maturity. Purchases of bankers' acceptances may not exceed 20 percent of the money available to a local government for investment as determined on the date of purchase.

(j) Obligations of state and local governments if:

- (1) The interest on the obligation is exempt from gross income for federal income tax purposes; and
- (2) The obligation has been rated "A" or higher by one or more nationally recognized bond credit rating agencies.

(k) Commercial paper issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

- (1) Is purchased from a registered broker-dealer;
- (2) At the time of purchase has a remaining term to maturity of no more than 270 days; and
- (3) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, except that investments pursuant to this paragraph may not, in aggregate value, exceed 20 percent of the total portfolio as determined on the date of purchase, and if the rating of an

obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible.

(l) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in:

(I) Securities issued by the Federal Government or agencies of the Federal Government;

(II) Master notes, bank notes or other short-term commercial paper rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States; or

(III) Repurchase agreements that are fully collateralized by the obligations described in sub-paragraphs (I) and (II).

(m) Obligations of the Federal Agricultural Mortgage Corporation.

2. Repurchase agreements are proper and lawful investments of money of a board of county commissioners, a board of trustees of a county school district or a governing body of an incorporated city for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The board of county commissioners, the board of trustees of the school district or the governing body of the city shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements;

(2) The board of county commissioners, the board of trustees of the school district or the governing body of the city has determined to have adequate capitalization and earnings and appropriate assets to be highly ~~credit worthy;~~ *creditworthy;* and

(3) Have executed a written master repurchase agreement in a form satisfactory to the board of county commissioners, the board of trustees of the school district or the governing body of the city pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the

board of county commissioners, the board of trustees of the school district or the governing body of the city and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The board of county commissioners, the board of trustees of the school district or the governing body of the city must enter a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the board of county commissioners, the board of trustees of the school district or the governing body of the city when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the board of county commissioners, the board of trustees of the school district or the governing body of the city concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

3. The securities described in paragraphs (a), (b) and (c) of subsection 1 and the repurchase agreements described in subsection 2 may be purchased when, in the opinion of the board of county commissioners, the board of trustees of a county school district or the governing body of the city, there is sufficient money in any fund of the county, the school district or city to purchase those securities and the purchase

will not result in the impairment of the fund for the purposes for which it was created.

4. When the board of county commissioners, the board of trustees of a county school district or *the* governing body of the city has determined that there is available money in any fund or funds for the purchase of bonds as set out in subsection 1 or 2, those purchases may be made and the bonds paid for out of any one or more of the funds, but the bonds must be credited to the funds in the amounts purchased, and the money received from the redemption of the bonds, as and when redeemed, must go back into the fund or funds from which the purchase money was taken originally.

5. Any interest earned on money invested pursuant to subsection 3, may, at the discretion of the board of county commissioners, the board of trustees of a county school district or *the* governing body of the city, be credited to the fund from which the principal was taken or to the general fund of the county, school district or incorporated city.

6. The board of county commissioners, the board of trustees of a county school district or *the* governing body of an incorporated city may invest any money apportioned into funds and not invested pursuant to subsection 3 and any money not apportioned into funds in bills and notes of the United States Treasury, the maturity date of which is not more than 1 year after the date of investment. These investments must be considered as cash for accounting purposes, and all the interest earned on them must be credited to the general fund of the county, school district or incorporated city.

7. This section does not authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

8. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Repurchase agreement" means a purchase of securities by a board of county commissioners, the board

of trustees of a county school district or the governing body of an incorporated city from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 47. NRS 374A.020 is hereby amended to read as follows:

374A.020 1. The collection of the tax imposed by NRS 374A.010 must be commenced on the first day of the first calendar quarter that begins at least 30 days after the last condition in subsection 1 of NRS 374A.010 is met.

2. The tax must be administered, collected and distributed in the manner set forth in chapter 374 of NRS.

3. The board of trustees of the school district shall transfer the proceeds of the tax imposed by NRS 374A.010 from the county school district fund to the fund described in NRS 354.6105 ~~[, if the fund has been]~~ *which must be* established by the board of trustees. ~~[Any]~~ *The* money deposited in the fund described in NRS 354.6105 pursuant to this subsection must be accounted for separately in that fund and must only be expended by the board of trustees for the cost of the extraordinary maintenance, extraordinary repair and extraordinary improvement of school facilities within the county.

Sec. 53. NRS 555.215 is hereby amended to read as follows:

555.215 1. Upon the preparation and approval of a budget in the manner required by the Local Government Budget and Finance Act, the board of county commissioners of each county having lands situated in the district shall, by resolution, levy an assessment upon all real property in the county which is in the weed control district.

2. Every assessment so levied is a lien against the property assessed.

3. Amounts collected in counties other than the county having the larger or largest proportion of the area of the district must be paid over to the board of county commissioners of that county for the use of the district.

4. The county commissioners of that county may obtain medium-term obligations pursuant to NRS ~~[350.085]~~ *350.087* to 350.095, inclusive, of an amount of money not to exceed the total amount of the assessment, to pay the expenses of controlling the weeds in the weed control district. The loans may be made only after the assessments are levied.

Sec. 54. Section 12 of chapter 227, Statutes of Nevada 1975, as *last* amended by chapter ~~[351,]~~ 374, Statutes of Nevada ~~[1997,]~~ 2001, at page ~~[1280,]~~ 1828, is hereby amended to read as follows:

Sec. 12. 1. The provisions of the Local Government Budget and Finance Act, NRS 354.470 to 354.626, inclusive, as now and hereafter amended, apply to the Authority as a local government, and the Authority shall, for purposes of that application, be deemed a district other than a school district.

2. The provisions of NRS ~~[350.085]~~ 350.087 to 350.095, inclusive, apply to the Authority.

Sec. 60. 1. This section ~~[.]~~ *and* sections 48 and 59.5 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to ~~[36, inclusive, 38, 40 to 43, inclusive, 46, 47 and]~~ 35, inclusive, 41, 42, 46, 49 to ~~[59,]~~ 52, inclusive, *and 55 to 59, inclusive*, of this act become effective on July 1, 2001.

3. Sections ~~[37,]~~ 36, 38, 39, 40, 43, 44 ~~[and 45]~~, 47, 53 *and 54* of this act become effective at 12:01 a.m. on July 1, 2001.

4. ~~[Section]~~ *Sections* 23 , 37 *and 45* of this act ~~[becomes]~~ *become* effective at 12:02 a.m. on July 1, 2001.

5. Section 48 of this act expires by limitation on July 1, 2003.

**Sec. 78.** Sections 3 and 12 of chapter 494, Statutes of Nevada 2001, at pages 2409 and 2415, respectively, are hereby amended to read respectively as follows:

Sec. 3. 1. *There is hereby created a construction education account as a separate account within the state general fund.*

2. *Money deposited in the account must be used:*

(a) *Solely for the purposes of construction education and to pay the costs of the commission on construction education as described in accordance with subsection 3; and*

(b) *In addition to any other money provided for construction education from any other source.*

3. *The commission on construction education shall administer the construction education account and shall disburse the money in the account as follows:*

(a) *At least 95 percent of the money deposited in the account must be used to fund programs of education which relate to building construction and which the commission on construction education determines qualify for grants; and*

*(b) Not more than 5 percent of the money deposited in the account may be reserved for operating expenses incurred by the commission on construction education pursuant to this section.*

*4. The unexpended and unencumbered balance, if any, remaining in the construction education account at the end of each fiscal year, must remain in the account.*

Sec. 12. 1. This section and sections 1 to 9, inclusive, and 11 of this act ~~[becomes]~~ become effective on July 1, 2001.

2. Section 10 of this act becomes effective at 12:01 a.m. on July 1, 2001.

Sec. 79. 1. Sections 2, 6 and 59 of chapter 507, Statutes of Nevada 2001, at pages 2424 and 2439, are hereby amended to read respectively as follows:

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 584.620 and section 2.5 of this act have the meanings ascribed to them in those sections.*

Sec. 6. 1. *The commission may enter into contracts with any person to assist it in carrying out the duties of the commission by performing any duty imposed on the commission pursuant to this chapter.*

2. *As used in this section, "person" includes a government, a governmental agency and a political subdivision of a government.*

Sec. 59. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[47,]~~ 47.5, inclusive, and 51 to 58, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to carry out the provisions of this act in a timely manner, and on January 1, 2002, for all other purposes.

3. Sections 48, 49, and 50 of this act become effective on July 1, 2001.

4. *Sections 26 and 27 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:*

*(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or*

***(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.***

2. Chapter 507, Statutes of Nevada 2001, at page 2424, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. ***“Commission” means the state dairy commission created pursuant to NRS 584.420.***

3. Chapter 507, Statutes of Nevada 2001, at page 2436, is hereby amended by adding thereto new sections to be designated as sections 45.3 and 45.7, immediately following section 45, to read respectively as follows:

Sec. 45.3. NRS 584.525 is hereby amended to read as follows:

584.525 A full and accurate record of business or acts performed or of testimony taken by the commission in pursuance of the provisions of ~~[NRS 584.325 to 584.690, inclusive, shall]~~ ***this chapter must*** be kept and placed on file in the office of the commission.

Sec. 45.7. NRS 584.535 is hereby amended to read as follows:

584.535 1. The commission may bring an action to enjoin the violation or threatened violation of any provisions of ~~[NRS 584.325 to 584.690, inclusive,]~~ ***this chapter*** or of any order made pursuant to ~~[NRS 584.325 to 584.690, inclusive,]~~ ***this chapter*** in the district court in the county in which such violation occurs or is about to occur.

2. There may be enjoined in one proceeding any number of defendants alleged to be violating the same provisions or orders, although their properties, interests, residence or place of business may be in several counties and the violations separate and distinct.

4. Chapter 507, Statutes of Nevada 2001, at page 2436, is hereby amended by adding thereto a new section to be designated as section 47.5, immediately following section 47, to read as follows:

Sec. 47.5. NRS 584.620 is hereby amended to read as follows:

584.620 ~~[For the purposes of NRS 584.595 to 584.645, inclusive, a milk plant shall be]~~ ***“Milk plant” means*** any place, structure or building where a distributor receives fluid milk or fluid cream and weighs or tests or standardizes or pasteurizes or homogenizes or separates or bottles or packages such fluid milk or fluid cream . ~~[, except that the provisions hereof shall not apply to]~~ ***The term does not include*** a place or structure or building used for the purpose of receiving, weighing or testing fluid milk or fluid cream

which is to be diverted or delivered to the milk plant of the distributor receiving fluid milk or fluid cream, which milk plant is licensed and bonded under the provisions of NRS 584.595 to 584.645, inclusive.

**Sec. 80.** Sections 16, 17 and 19 of chapter 509, Statutes of Nevada 2001, at pages 2458 and 2460, are hereby amended to read respectively as follows:

Sec. 16. NRS 617.225 is hereby amended to read as follows:

617.225 1. A sole proprietor may elect to be included within the terms, conditions and provisions of this chapter to secure for himself compensation equivalent to that to which an employee is entitled for any occupational disease contracted by the sole proprietor which arises out of and in the course of his self-employment by filing a written notice of election with the administrator and a private carrier.

2. A *private carrier may require a* sole proprietor who elects to accept the terms, conditions and provisions of this chapter ~~shall~~ *to* submit to a physical examination by a physician selected by the private carrier before the commencement of coverage and on a yearly basis thereafter. ~~The~~ *If a* private carrier *requires such a physical examination, the private carrier* shall prescribe the scope of the examination and shall consider it for rating purposes. The cost of the physical examination must be paid by the sole proprietor.

3. A sole proprietor who elects to submit to the provisions of this chapter shall pay to the private carrier premiums in such manner and amounts as may be prescribed by the regulations of the commissioner.

4. If a sole proprietor fails to pay all premiums required by the regulations of the commissioner, the failure operates as a rejection of this chapter.

5. A sole proprietor who elects to be included under the provisions of this chapter remains subject to all terms, conditions and provisions of this chapter and all regulations of the commissioner until he files a written notice with the private carrier and the administrator that he withdraws his election.

6. For purposes of this chapter, a sole proprietor shall be deemed to be an employee receiving a wage of \$300 per month.

Sec. 17. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the

division, a full-time employee of the legislative counsel bureau and the fraud control unit for industrial insurance established pursuant to NRS 228.420, and that portion of the cost of the office for consumer health assistance established pursuant to NRS 223.550 that is related to providing assistance to consumers and injured employees concerning workers' compensation, must be paid from assessments payable by each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265. ~~¶~~

*2. The administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265. To establish the amount of the assessment, the administrator shall determine the amount of money necessary for each of the expenses set forth in subsections 1 and 4 of this section and subsection 3 of NRS 616A.425 and determine the amount that is payable by the private carriers, the self-insured employers, the associations of self-insured public or private employers and the employers who provide accident benefits pursuant to NRS 616C.265 for each of the programs. For the expenses from which more than one group of insurers receives benefit, the administrator shall allocate a portion of the amount necessary for that expense to be payable by each of the relevant group of insurers, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable among each group of insurers for all the expenses from which each group receives benefit, the administrator shall apply an assessment rate to the:*

*(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;*

*(b) Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;*

*(c) Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and*

*(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflect the relative hazard of the employments covered by those employers, results in an*

*equitable distribution of costs among the employers and is based upon expected annual expenditures for claims . ~~for injuries occurring on or after July 1, 1999. The division~~*

*The administrator shall adopt regulations that establish ~~formulas of assessment which result in an equitable distribution of costs among the insurers and employers who provide accident benefits for injured employees. The formulas may utilize~~ the formula for the assessment and for the administration of payment, and any penalties that the administrator determines are necessary to carry out the provisions of this subsection. The formula may use actual expenditures for claims.*

~~2.~~ *As used in this subsection, the term “group of insurers” includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.*

3. Federal grants may partially defray the costs of the division.

~~3.~~ 4. Assessments made against insurers by the division after the adoption of regulations must be used to defray all costs and expenses of administering the program of workers' compensation, including the payment of:

(a) All salaries and other expenses in administering the division, including the costs of the office and staff of the administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the hearings division of the department of administration and the programs of self-insurance and review of premium rates by the commissioner of insurance.

(c) The salary and other expenses of a full-time employee of the legislative counsel bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the fraud control unit for industrial insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) That portion of the salaries and other expenses of the office for consumer health assistance established pursuant to NRS 223.550 that is related to providing assistance to consumers and injured employees concerning workers' compensation.

Sec. 19. 1. This section and sections 1 to 9, inclusive, 11 to 14, inclusive, ~~and 16, 17~~ **16** and 18 of this act become effective on July 1, 2001.

2. Sections 10 , ~~and~~ **15 and 17** of this act become effective at 12:01 a.m. on July 1, 2001.

**Sec. 81.** Section 18 of chapter 511, Statutes of Nevada 2001, at page 2476, is hereby amended to read as follows:

Sec. 18. Section 139 of chapter 646, Statutes of Nevada 1999, *as amended by section 139 of chapter 10, Statutes of Nevada 2001*, at page ~~3846,~~ **282**, is hereby amended to read as follows:

Sec. 139. 1. This section and section 130.5 of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and on September 30, 1999, for all other purposes.

2. Sections 1 to 101, inclusive, 103, 105 to 117, inclusive, 119 to 130, inclusive, and 131 to 138, inclusive, of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and on October 1, 1999, for all other purposes.

3. Sections 102, 104 and 118 of this act become effective upon passage and approval for the purpose of adopting any regulations necessary to carry out the provisions of this act, and at 12:01 a.m. on October 1, 1999, for all other purposes.

4. Sections 15 and 33 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

~~[5.—Section 78.5 of this act expires by limitation on October 1, 2001.]~~

**Sec. 82.** Section 2 of chapter 512, Statutes of Nevada 2001, at page 2477, is hereby amended to read as follows:

Sec. 2. NRS 354.600 is hereby amended to read as follows:

354.600 Each budget must include:

1. Detailed estimates of revenues, balances in other funds and other sources of financing for the budget year classified by funds and sources in a manner and on forms prescribed by the department of taxation.

2. Detailed estimates of expenditures and other uses of money for the budget year classified in a manner and on forms prescribed by the department of taxation.

3. *A separate statement of the anticipated expenses relating to activities designed to influence the passage or defeat of any legislation, setting forth each separate category of expenditure that is required to be included in a supplemental report pursuant to subsection 1 of NRS 354.59803.*

**Sec. 83.** 1. Sections 12 and 16 of chapter 517, Statutes of Nevada 2001, at pages 2521 and 2522, respectively, are hereby amended to read respectively as follows:

Sec. 12. NRS 129.050 is hereby amended to read as follows:

129.050 1. Except as otherwise provided in section 5 of *Assembly Bill No. 173 of this [act.] session*, any minor who is under the influence of, or suspected of being under the influence of, a controlled substance:

(a) May give express consent; or

(b) If unable to give express consent, shall be deemed to consent,

to the furnishing of hospital, medical, surgical or other care for the treatment of abuse of drugs or related illnesses by any public or private hospital, medical facility, facility for the dependent, *other than a halfway house for alcohol and drug abusers*, or any licensed physician, and the consent of the minor is not subject to disaffirmance because of minority.

2. Immunity from civil or criminal liability extends to any physician or other person rendering care or treatment pursuant to subsection 1, in the absence of negligent diagnosis, care or treatment.

3. The consent of the parent, parents or legal guardian of the minor is not necessary to authorize such care, but any physician who treats a minor pursuant to this section shall make every reasonable effort to report the fact of treatment to the parent, parents or legal guardian within a reasonable time after treatment.

Sec. 16. *1.* This ~~act becomes effective:~~  
~~—1.1—~~ *section and section 12.3 of this act become effective on June 30, 2001.*

*2. Sections 1 to 12, inclusive, and 12.5 to 15, inclusive, of this act become effective:*

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~2.1~~ (b) On January 1, 2002, for all other purposes.

2. Chapter 517, Statutes of Nevada 2001, at page 2522, is hereby amended by adding thereto a new section to be designated as section 12.3, immediately following section 12, to read as follows:

Sec. 12.3. Section 19 of chapter 157, Statutes of Nevada 2001, at page 820, is hereby amended to read as follows:

Sec. 19. NRS 129.050 is hereby amended to read as follows:

129.050 1. ~~Any~~ *Except as otherwise provided in section 5 of this act, any* minor who is under the influence of, or suspected of being under the influence of, a controlled substance:

(a) May give express consent; or

(b) If unable to give express consent, shall be deemed to consent,

to the furnishing of hospital, medical, surgical or other care for the treatment of abuse of drugs or related illnesses by any public or private hospital, medical facility, facility for the dependent or any licensed physician, and the consent of the minor is not subject to disaffirmance because of minority.

2. Immunity from civil or criminal liability extends to any physician or other person rendering care or treatment pursuant to subsection 1, in the absence of negligent diagnosis, care or treatment.

3. The consent of the parent ~~or the~~, *parents or* legal guardian of the minor is not necessary to authorize such care, but any physician who treats a minor pursuant to this section shall make every reasonable effort to report the fact of treatment to the parent , ~~or~~ parents or legal guardian within a reasonable time after treatment.

**Sec. 84.** Sections 60, 78, 102, 108, 120, 131, 151, 183, 209, 225, 226 and 241 of chapter 520, Statutes of Nevada 2001, at pages 2551, 2564, 2583, 2589, 2594, 2599, 2607, 2622, 2632, 2640 and 2644, are hereby amended to read respectively as follows:

Sec. 60. NRS 483.340 is hereby amended to read as follows:

483.340 1. The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the full name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the investigation division of the department *of public safety* while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the attorney general while engaged in undercover investigations and agents of the state gaming control board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the chief of the investigation division ~~of the department of public safety~~ *of the department of public safety*, the director of the appropriate federal agency, the attorney general or the chairman of the state gaming control board. Such a license is exempt from the fees required by NRS 483.410. The department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance or renewal of the driver's license, the department shall:

(a) Give the holder the opportunity to indicate on his driver's license that he wishes to be a donor of all or part of

his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body;

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the anatomical gift account created by section 7 of ~~[this act.]~~ *Assembly Bill No. 497 of this session*; and

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registration as a donor with The Living Bank International or its successor organization.

6. If the holder wishes to make a donation to the anatomical gift account, the department shall collect the donation and deposit the money collected in the state treasury for credit to the anatomical gift account.

7. The department shall submit to The Living Bank International, or its successor organization, information from the records of the department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The department shall adopt regulations to carry out the provisions of this subsection.

Sec. 78. NRS 120A.280 is hereby amended to read as follows:

120A.280 1. Within 360 days after the filing of the report required by NRS 120A.250 and the payment or delivery of the property required by NRS 120A.320, the administrator shall cause notice to be published in at least one newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice must be published in the county in which the holder of the abandoned property has his principal place of business within this state.

2. The published notice must be entitled "Notice of Names of Persons Appearing To Be Owners of Abandoned Property," and must contain:

(a) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county.

(b) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the administrator.

(c) If the property was removed from a safe-deposit box or other safekeeping repository, a statement declaring that the administrator will hold the property for 1 year after the date

the property was delivered to the administrator, and that the property may be destroyed if no claims are made for it within that period.

3. The administrator is not required to publish in the notice any item valued at less than \$50 unless he deems the publication to be in the public interest.

4. In addition to the notice required to be published pursuant to this section, the administrator shall take such actions as are reasonably calculated to give actual notice to the owner of property presumed abandoned, including, without limitation, using information obtained from the department of motor vehicles ~~and public safety~~ and other governmental agencies or executing contracts with private businesses to assist in locating such owners of property.

Sec. 102. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation;

or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

assign the offender to the custody of the division of parole and probation of the department of ~~motor vehicles and~~ public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the director shall notify the division of parole and probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the division of parole and probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the division of parole and probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the division of parole and probation must not be held responsible if such notification is not received by the

victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the division of parole and probation pursuant to this subsection is confidential.

3. The director, after consulting with the division of parole and probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this state or any offense in another state that would be a felony if committed in this state, not including a violation of NRS 484.379 or 484.3795;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the director, is not eligible for assignment to the custody of the division of parole and probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender ~~§~~ and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department, except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department.

6. An offender does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 108. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, and section 24 of ~~[this act.]~~ *Senate Bill No. 551 of this session*, unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of ~~[motor vehicles and]~~ public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or paragraph (a) or (b) of subsection 3 of section 4 of ~~[this act.]~~ *Senate Bill No. 551 of this session*;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be

sexually motivated at a hearing conducted pursuant to NRS 175.547.

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

Sec. 120. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiff of the supreme court;
2. The bailiffs of the district courts, justices' courts and municipal courts whose duties require them to carry weapons and make arrests;
3. Constables and their deputies whose official duties require them to carry weapons and make arrests;
4. Inspectors employed by the transportation services authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;
5. Parole and probation officers;
6. Special investigators who are employed full time by the office of any district attorney or the attorney general;
7. Investigators of arson for fire departments who are specially designated by the appointing authority;
8. The assistant and deputies of the state fire marshal;
9. The brand inspectors of the state department of agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;
10. The field agents and inspectors of the state department of agriculture who exercise the powers of enforcement conferred by NRS 561.225;
11. Investigators for the state forester firewarden who are specially designated by him and whose primary duties are related to the investigation of arson;
12. School police officers employed by the board of trustees of any county school district;
13. Agents of the state gaming control board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;
14. Investigators and administrators of the division of compliance enforcement ~~of the motor vehicles branch~~ of the department of motor vehicles ~~and public safety~~ who perform the duties specified in subsection ~~3~~ 2 of NRS 481.048;

15. Officers and investigators of the section for the control of emissions from vehicles ~~[of the motor vehicles branch]~~ of the department of motor vehicles ~~[and public safety]~~ who perform the duties specified in subsection 3 of NRS 481.0481;

16. Legislative police officers of the State of Nevada;

17. The personnel of the capitol police division of the department of ~~[motor vehicles and]~~ public safety appointed pursuant to subsection 2 of NRS 331.140;

18. Parole counselors of the division of child and family services of the department of human resources;

19. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of family, youth and juvenile services established pursuant to NRS 62.1264 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

20. Field investigators of the taxicab authority;

21. Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests;

22. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department; and

23. Criminal investigators who are employed by the secretary of state.

Sec. 131. NRS 361.535 is hereby amended to read as follows:

361.535 1. If the person, company or corporation so assessed neglects or refuses to pay the taxes within 30 days after demand, the taxes become delinquent. If the person, company or corporation so assessed neglects or refuses to pay the taxes within 10 days after the taxes become delinquent, a penalty of 10 percent must be added. If the tax and penalty are not paid on demand, the county assessor or his deputy may seize, seal or lock enough of the personal property of the person, company or corporation so neglecting or refusing to pay to satisfy the taxes and costs. The county assessor may use alternative methods of collection, including, without limitation, the assistance of the district attorney.

2. The county assessor shall post a notice of the seizure, with a description of the property, in three public places in the township or district where it is seized, and shall, at the expiration of 5 days, proceed to sell at public auction, at the time and place mentioned in the notice, to the highest bidder,

for lawful money of the United States, a sufficient quantity of the property to pay the taxes and expenses incurred. For this service the county assessor must be allowed from the delinquent person a fee of \$3.

3. If the personal property seized by the county assessor or his deputy consists of a mobile or manufactured home, an aircraft, or the personal property of a business, the county assessor shall publish a notice of the seizure once during each of 2 successive weeks in a newspaper of general circulation in the county. If the legal owner of the property is someone other than the registered owner and the name and address of the legal owner can be ascertained from the records of the department of motor vehicles, ~~and public safety,~~ the county assessor shall, before publication, send a copy of the notice by registered or certified mail to the legal owner. The cost of the publication and notice must be charged to the delinquent taxpayer. The notice must state:

- (a) The name of the owner, if known.
- (b) The description of the property seized, including the location, the make, model and dimensions and the serial number, body number or other identifying number.
- (c) The fact that the property has been seized and the reason for seizure.
- (d) The amount of the taxes due on the property and the penalties and costs as provided by law.
- (e) The time and place at which the property is to be sold.

After the expiration of 5 days from the date of the second publication of the notice, the property must be sold at public auction in the manner provided in subsection 2 for the sale of other personal property by the county assessor.

4. Upon payment of the purchase money, the county assessor shall deliver to the purchaser of the property sold, with a certificate of the sale, a statement of the amount of taxes or assessment and the expenses thereon for which the property was sold, whereupon the title of the property so sold vests absolutely in the purchaser.

5. After a mobile or manufactured home, an aircraft, or the personal property of a business is sold and the county assessor has paid all the taxes and costs on the property, the county assessor shall deposit into the general fund of the county the first \$300 of the excess proceeds from the sale. The county assessor shall deposit any remaining amount of the excess proceeds from the sale into an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no

claim is made for the money within 6 months after the sale of the property for which the claim is made, the county assessor shall pay the money into the general fund of the county. All interest paid on money deposited in the account pursuant to this subsection is the property of the county.

6. If the former owner of a mobile or manufactured home, aircraft, or personal property of a business that was sold pursuant to this section makes a claim in writing for the balance of the proceeds of the sale within 6 months after the completion of the sale, the county assessor shall pay the balance of the proceeds of the sale or the proper portion of the balance over to the former owner if the county assessor is satisfied that the former owner is entitled to it.

Sec. 151. NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created the emergency assistance account within the disaster relief fund created pursuant to NRS 353.2735. Beginning with the fiscal year that begins on July 1, 1999, the state controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the disaster relief fund to the account in an amount not to exceed \$500,000.

2. The division of emergency management of the department of ~~{motor vehicles and}~~ public safety shall administer the account. The division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. All expenditures from the account must be approved in advance by the division. Except as otherwise provided in subsection 4, all money in the account must be expended solely to:

(a) Provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy; and

(b) Pay any actual expenses incurred by the division for administration during a natural, technological or man-made emergency or disaster.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the account at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the division may, with the approval of the interim finance committee, allocate all or any portion of the remaining balance, not to exceed \$250,000, to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management;

(b) Provide training to personnel related to emergency management; and

(c) Carry out the provisions of sections 2 to 16, inclusive, of ~~[this act.]~~ *Senate Bill No. 289 of this session.*

5. Beginning with the fiscal year that begins on July 1, 1999, the division shall, at the end of each quarter of a fiscal year, submit to the interim finance committee a report of the expenditures made from the account for the previous quarter.

6. The division shall adopt such regulations as are necessary to administer the account.

7. The division may adopt regulations to provide for reimbursement of expenditures made from the account. If the division requires such reimbursement, the attorney general shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the fund, upon request by the division.

Sec. 183. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the state where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the department of motor vehicles ~~[and public safety]~~ and accounted for in the pollution control account, which is hereby created in the state general fund:

(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station ..... \$25

(b) For each set of 25 forms certifying emission control compliance ..... 125

(c) For each form issued to a fleet station..... 5

2. Except as otherwise provided in subsections 4, 5 and 6, and after deduction of the amount required for grants pursuant to paragraph (a) of subsection 4, money in the pollution control account may, pursuant to legislative appropriation or with the approval of the interim finance committee, be expended by the following agencies in the following order of priority:

(a) The department of motor vehicles ~~[and public safety]~~ to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The state department of conservation and natural resources to carry out the provisions of this chapter.

(c) The state department of agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) Local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.

(e) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The department of motor vehicles ~~and public safety~~ may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The department of motor vehicles ~~and public safety~~ shall by regulation establish a program to award grants of money in the pollution control account to local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of air. The grants to agencies in a county pursuant to this subsection must be made from:

(a) An amount of money in the pollution control account that is equal to one-fifth of the amount received for each form issued in the county pursuant to subsection 1; and

(b) Excess money in the pollution control account. As used in this paragraph, "excess money" means the money in excess of \$500,000 remaining in the pollution control account at the end of the fiscal year, after deduction of the amount required for grants pursuant to paragraph (a) and any disbursements made from the account pursuant to subsection 2.

5. Any regulations adopted pursuant to subsection 4 must provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Review applications for grants and make recommendations for their approval, rejection or modification;

(b) Establish goals and objectives for the program for control of emissions from motor vehicles;

(c) Identify areas where funding should be made available; and

(d) Review and make recommendations concerning regulations adopted pursuant to subsection 4 or NRS 445B.770.

6. Grants proposed pursuant to subsections 4 and 5 must be submitted to the *appropriate* deputy director of the ~~{motor vehicles branch of the}~~ department of motor vehicles ~~{and public safety}~~ and the administrator of the division of environmental protection of the state department of conservation and natural resources. Proposed grants approved by the *appropriate* deputy director and the administrator must not be awarded until approved by the interim finance committee.

Sec. 209. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city policeman;
2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada highway patrol;
3. A chief, investigator or agent of the investigation division of the department of ~~{motor vehicles and}~~ public safety;
4. An officer or investigator of the section for the control of emissions from vehicles ~~{of the motor vehicles branch}~~ of the department of motor vehicles ; ~~{and public safety;}~~
5. An investigator of the division of compliance enforcement ~~{of the motor vehicles branch}~~ of the department of motor vehicles ; ~~{and public safety;}~~
6. A member of the police department of the University and Community College System of Nevada;
7. A:
  - (a) Uniformed employee of; or
  - (b) Forensic specialist employed by, the department of corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;
8. A parole and probation officer of the division of parole and probation of the department of ~~{motor vehicles and}~~ public safety;
9. A forensic specialist or correctional officer employed by the division of mental health and developmental services of the department of human resources at facilities for mentally disordered offenders; and
10. The state fire marshal, his assistant and his deputies.

Sec. 225. Section 30 of chapter 491, Statutes of Nevada 1991, *as amended by chapter 13, Statutes of Nevada 2001*, at page ~~1448,~~ 337, is hereby amended to read as follows:

Sec. 30. 1. Except as otherwise provided in section 34 of this act and in addition to all other taxes imposed on the valuation of vehicles, the board of county commissioners of Churchill, Elko, Humboldt, Washoe and Lander counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a special governmental services tax of 1 cent on each \$1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

2. The department of motor vehicles ~~and public safety~~ shall deposit the proceeds of the tax imposed pursuant to subsection 1 with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

3. As used in this section, “based” has the meaning ascribed to it in NRS 482.011.

Sec. 226. Section 9 of chapter 475, Statutes of Nevada 1993, *as amended by chapter 13, Statutes of Nevada 2001*, at page ~~1953,~~ 338, is hereby amended to read as follows:

Sec. 9. 1. Except as otherwise provided in section 14 of this act and in addition to all other taxes imposed on the valuation of vehicles, the board of county commissioners of Douglas, Esmeralda, Lincoln, Lyon, Mineral, Nye, Pershing, Storey and White Pine counties may by ordinance, in the manner provided in section 13 of this act, impose a special governmental services tax of 1 cent on each \$1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

2. The department of motor vehicles ~~and public safety~~ shall deposit the proceeds of the tax imposed

pursuant to subsection 1 with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

3. As used in this section , “based” has the meaning ascribed to it in NRS 482.011.

Sec. 241. 1. This section and sections 1 to 41, inclusive, 43 to 54, inclusive, 56, 57, 59 , **61 to 78, inclusive, 81 to 90, inclusive, 92 to ~~120,~~ 119, inclusive, 122 to 130, inclusive, 132 to 150, inclusive, 152 to 161, inclusive, 163 to 182, inclusive, 184 to 189, inclusive, 191 to 208, inclusive, 210 to 223, inclusive, 227 to 240, inclusive, and 242** of this act become effective upon passage and approval for the purpose of authorizing any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on July 1, 2001, for all other purposes.

2. Sections 55, 58, **60, 79, 80, 120,** 121, **131, 151,** 190, 225 and 226 of this act become effective at 12:01 a.m. on July 1, 2001.

3. **Sections 183 and 209 of this act become effective at 12:02 a.m. on July 1, 2001.**

4. Section 162 of this act becomes effective at 12:05 a.m. on July 1, 2001.

~~4.~~ 5. Sections 42 and 224 of this act become effective on January 1, 2002.

**Sec. 85.** 1. Sections 22 and 37 of chapter 526, Statutes of Nevada 2001, at pages 2658 and 2661, respectively, are hereby amended to read respectively as follows:

Sec. 22. **1. A person may receive assistance pursuant to the provisions of sections 3 to 33, inclusive, of this act while receiving a property tax exemption as a surviving spouse, blind person or veteran if the person has filed a claim for the exemption with the county assessor.**

**2. The assessed valuation of any property used to determine a refund pursuant to the provisions of sections 3 to 33, inclusive, of this act must be reduced by the amount of such an exemption.**

Sec. 37. NRS 361.800, 361.803, 361.805, 361.810, 361.815, 361.817, 361.820, 361.823, 361.824, 361.825, 361.827, 361.832, 361.833, 361.835, 361.836, 361.838, 361.841, 361.845, 361.850, 361.859, 361.860, 361.861, 361.864, 361.865, 361.867, 361.868, 361.870, 361.873, 361.874 and 361.877 **and section 7 of chapter 331, Statutes of Nevada 2001, at page 1540,** are hereby repealed.

2. Chapter 526, Statutes of Nevada 2001, at page 2658, is hereby amended by adding thereto a new section to be designated as section 17.5, immediately following section 17, to read as follows:

*Sec. 17.5. A senior citizen is entitled to a refund calculated pro rata pursuant to sections 16 and 17 of this act, respectively, for the portion of the year that he owned and rented his primary residence if he has maintained his primary residence in Nevada since July 1 of the preceding calendar year and:*

*1. For any portion of that year, owned his home and would have otherwise been entitled to a refund pursuant to section 16 of this act if he has owned the home for the entire year; and*

*2. For all the remaining portion of that year, rented a home or lot for his primary residence and would have otherwise been entitled to a refund pursuant to section 17 of this act if he has rented the home for the entire year.*

**Sec. 86.** Sections 3, 4 and 7 of chapter 529, Statutes of Nevada 2001, at pages 2665 and 2666, are hereby amended to read respectively as follows:

*Sec. 3. "Household income" has the meaning ascribed to it in section 9 of Senate Bill No. 574 of this session.*

*Sec. 4. "Income" has the meaning ascribed to it in section 10 of Senate Bill No. 574 of this session.*

*Sec. 7. The department of human resources shall, in cooperation with the department of taxation and the various counties in this state:*

*1. Combine all possible administrative procedures required for determining those persons who are eligible for assistance pursuant to sections 3 to 33, inclusive, of Senate Bill No. 574 of this session and sections 2 to 10, inclusive, of this act;*

*2. Coordinate the collection of information required to carry out those provisions in a manner that requires persons requesting assistance to furnish information in as few reports as possible; and*

*3. Design forms that may be used jointly by the department of human resources, the department of taxation and the various counties in this state to carry out the provisions of sections 3 to 33, inclusive, of Senate Bill No. 574 of this session and sections 2 to 10, inclusive, of this act.*

**Sec. 87.** Sections 1 and 4 of chapter 546, Statutes of Nevada 2001, at pages 2709 and 2711, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 287.043 is hereby amended to read as follows:

287.043 1. The board shall:

(a) Establish and carry out a program to be known as the public employees' benefits program which:

(1) Must include a program relating to group life, accident or health insurance, or any combination of these; and

(2) May include a program to reduce taxable compensation or other forms of compensation other than deferred compensation, for the benefit of all state officers and employees and other persons who participate in the program.

(b) Ensure that the program is funded on an actuarially sound basis and operated in accordance with sound insurance and business practices.

2. In establishing and carrying out the program, the board shall:

(a) *For the purpose of establishing actuarial data to determine rates and coverage for active and retired state officers and employees and their dependents, commingle the claims experience of such active and retired officers and employees and their dependents.*

(b) Except as otherwise provided in this paragraph, negotiate and contract with the governing body of any public agency enumerated in NRS 287.010 that wishes to obtain group insurance for its officers, employees and retired employees by participation in the program. The board may establish separate rates and coverage for those officers, employees and retired employees based on actuarial reports.

~~(b)~~ (c) Except as otherwise provided in paragraph ~~(e)~~, (d), provide public notice in writing of any proposed changes in rates or coverage to each participating public employer who may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.

~~(e)~~ (d) If a proposed change is a change in the premium charged for or coverage of health insurance, provide written notice of the proposed change to all state officers, employees, retired employees and other persons who participate in the program who may be affected by the proposed change. The notice must be provided at least 60 days before the date a state officer, employee, retired employee or other person is required to select or change his policy of health insurance.

~~(e)~~ (e) Purchase policies of life, accident or health insurance, or any combination of these, or, if applicable, a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this state or provide similar coverage through a plan of self-insurance established pursuant to NRS 287.0433 for the benefit of all eligible public officers, employees and retired employees who participate in the program.

~~(e)~~ (f) Except as otherwise provided in this Title, develop and establish other employee benefits as necessary.

~~(f)~~ (g) Investigate and approve or disapprove any contract proposed pursuant to NRS 287.0479.

~~(g)~~ (h) Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.0402 to 287.049, inclusive, and section 2 of ~~this act,~~ *Assembly Bill No. 123 of this session*, including, without limitation, the establishment of:

(1) Fees for applications for participation in the program and for the late payment of premiums or contributions;

(2) Conditions for entry and reentry into the program by public agencies enumerated in NRS 287.010;

(3) The levels of participation in the program required for employees of participating public agencies;

(4) Procedures by which a group of participants in the program may leave the program pursuant to NRS 287.0479 and conditions and procedures for reentry into the program by those participants; and

(5) Specific procedures for the determination of contested claims.

~~(h)~~ (i) Appoint an independent certified public accountant. The accountant shall:

(1) Provide an annual audit of the program; and

(2) Report to the board and the interim retirement and benefits committee of the legislature created pursuant to NRS 218.5373.

~~(i)~~ (j) Appoint an attorney who specializes in employee benefits. The attorney shall:

(1) Perform a biennial review of the program to determine whether the program complies with federal and state laws relating to taxes and employee benefits; and

(2) Report to the board and the interim retirement and benefits committee of the legislature created pursuant to NRS 218.5373.

3. *The board shall submit an annual report regarding the administration and operation of the program to the*

*director of the legislative counsel bureau not more than 6 months before the board establishes rates and coverage for members for the following calendar year. The report must include, without limitation:*

*(a) The amount paid by the program in the preceding calendar year for the claims of active and retired state officers and employees; and*

*(b) The amount paid by the program in the preceding calendar year for the claims of retired members of the program who were provided coverage for medical or hospital service, or both, by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., or a plan that provides similar coverage.*

4. The board may use any services provided to state agencies and shall use the services of the purchasing division of the department of administration to establish and carry out the program.

~~[4.]~~ 5. The board may make recommendations to the legislature concerning legislation that it deems necessary and appropriate regarding the program.

~~[5.]~~ 6. The state and any other public employers that participate in the program are not liable for any obligation of the program other than indemnification of the board and its employees against liability relating to the administration of the program, subject to the limitations specified in NRS 41.0349.

~~[6.]~~ 7. As used in this section, "employee benefits" includes any form of compensation provided to a public employee except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS.

Sec. 4. *1. This section and sections 2 and 3 of this act* ~~[becomes]~~ *become* effective on January 1, 2002.

*2. Section 1 of this act becomes effective at 12:01 a.m. on January 1, 2002.*

**Sec. 88.** 1. Sections 51 and 54 of chapter 548, Statutes of Nevada 2001, at pages 2725 and 2726, respectively, are hereby amended to read respectively as follows:

Sec. 51. NRS 89.250 is hereby amended to read as follows:

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the secretary of state showing the names and residence addresses of all members and employees in such association and shall certify

that all members and employees are licensed to render professional service in this state.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the secretary of state:

(a) Showing the names and residence addresses of all members and employees of the association who are licensed or otherwise authorized by law to render professional service in this state;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this state; and

(c) Certifying that all members who are not licensed to render professional service in this state do not render professional service on behalf of the association except as authorized by law.

3. The statement must:

(a) Be made on a form prescribed by the secretary of state and must not contain any fiscal or other information except that expressly called for by this section.

(b) Be signed by the chief executive officer of the association.

4. Upon filing the annual statement required by this section, the association shall pay to the secretary of state a fee of \$15.

5. As used in this section, "signed" means to have executed or adopted a name, word or mark, including, without limitation, ~~[a digital]~~ *an electronic* signature as defined in ~~[NRS 720.060,]~~ *section 11 of this act*, with the present intention to authenticate a document.

Sec. 54. *1. This section and sections 1 to 50, inclusive, 52 and 53 of this act ~~[becomes]~~ become effective on July 1, 2001.*

*2. Sections 51 and 52.5 of this act become effective at 12:01 a.m. on July 1, 2001.*

2. Chapter 548, Statutes of Nevada 2001, at page 2726, is hereby amended by adding thereto a new section to be designated as section 52.5, immediately following section 52, to read as follows:

Sec. 52.5. Section 42 of chapter 601, Statutes of Nevada 2001, at page 3190, is hereby amended to read as follows:

Sec. 42. NRS 89.250 is hereby amended to read as follows:

89.250 1. Except as otherwise provided in subsection 2, a professional association shall, *on or before the first day of the second month after the filing of its articles of association with the secretary of state, and annually thereafter* on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the secretary of state showing the names and residence addresses of all members and employees in ~~such~~ *the* association and ~~shall certify~~ *certifying* that all members and employees are licensed to render professional service in this state.

2. A professional association organized and practicing pursuant to the provisions of this chapter and NRS 623.349 shall, *on or before the first day of the second month after the filing of its articles of association with the secretary of state, and annually thereafter* on or before the last day of the month in which the anniversary date of its organization occurs in each year, furnish a statement to the secretary of state:

(a) Showing the names and residence addresses of all members and employees of the association who are licensed or otherwise authorized by law to render professional service in this state;

(b) Certifying that all members and employees who render professional service are licensed or otherwise authorized by law to render professional service in this state; and

(c) Certifying that all members who are not licensed to render professional service in this state do not render professional service on behalf of the association except as authorized by law.

3. ~~The statement must:~~  
~~(a) Be made~~ *Each statement filed pursuant to this section must be:*

(a) *Made* on a form prescribed by the secretary of state and must not contain any fiscal or other information except that expressly called for by this section.

(b) ~~Be signed~~ *Signed* by the chief executive officer of the association.

*(c) Accompanied by a declaration under penalty of perjury that the professional association has complied with the provisions of chapter 364A of NRS.*

4. Upon filing ~~the annual~~:

*(a) The initial statement required by this section, the association shall pay to the secretary of state a fee of \$165.*

*(b) Each annual statement required by this section, the association shall pay to the secretary of state a fee of ~~[\$15.]~~ \$85.*

5. As used in this section, "signed" means to have executed or adopted a name, word or mark, including, without limitation, an electronic signature as defined in section 11 of ~~this act.~~ *Senate Bill No. 49 of this session*, with the present intention to authenticate a document.

**Sec. 89.** Section 22 of chapter 550, Statutes of Nevada 2001, at page 2739, is hereby amended to read as follows:

Sec. 22. NRS 616C.220 is hereby amended to read as follows:

616C.220 1. The division shall designate one:

(a) Third-party administrator who has a valid certificate issued by the commissioner pursuant to NRS 683A.085; or

(b) Insurer, other than a self-insured employer or association of self-insured public or private employers,

to administer claims against the uninsured employers' claim account. The designation must be made pursuant to reasonable competitive bidding procedures established by the administrator.

2. ~~An~~ *Except as otherwise provided in this subsection, an* employee may receive compensation from the uninsured employers' claim account if:

(a) He was hired in this state or he is regularly employed in this state;

(b) He suffers an accident or injury ~~in this state~~ which arises out of and in the course of his employment ~~in~~:

*(1) In this state; or*

*(2) While on temporary assignment outside the state for a period of not more than 12 months;*

(c) He files a claim for compensation with the division; and

(d) He makes an irrevocable assignment to the division of a right to be subrogated to the rights of the injured employee pursuant to NRS 616C.215.

*An employee who suffers an accident or injury while on temporary assignment outside the state is not eligible to*

*receive compensation from the uninsured employers' claim account unless he has been denied workers' compensation in the state in which the accident or injury occurred.*

3. If the division receives a claim pursuant to subsection 2, the division shall immediately notify the employer of the claim.

4. For the purposes of this section, the employer has the burden of proving that he provided mandatory industrial insurance coverage for the employee or that he was not required to maintain industrial insurance for the employee.

5. Any employer who has failed to provide mandatory coverage required by the provisions of chapters 616A to 616D, inclusive, of NRS is liable for all payments made on his behalf, including any benefits, administrative costs or attorney's fees paid from the uninsured employers' claim account or incurred by the division.

6. The division:

(a) May recover from the employer the payments made by the division that are described in subsection 5 and any accrued interest by bringing a civil action in district court.

(b) In any civil action brought against the employer, is not required to prove that negligent conduct by the employer was the cause of the employee's injury.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

7. The division shall:

(a) Determine whether the employer was insured within 30 days after receiving notice of the claim from the employee.

(b) Assign the claim to the third-party administrator or insurer designated pursuant to subsection 1 for administration and payment of compensation.

Upon determining whether the claim is accepted or denied, the designated third-party administrator or insurer shall notify the injured employee, the named employer and the division of its determination.

8. Upon demonstration of the:

(a) Costs incurred by the designated third-party administrator or insurer to administer the claim or pay compensation to the injured employee; or

(b) Amount that the designated third-party administrator or insurer will pay for administrative expenses or

compensation to the injured employee and that such amounts are justified by the circumstances of the claim, the division shall authorize payment from the uninsured employers' claim account.

9. Any party aggrieved by a determination regarding the administration of an assigned claim or a determination made by the division or by the designated third-party administrator or insurer regarding any claim made pursuant to this section may appeal that determination within 60 days after the determination is rendered to the hearings division of the department of administration in the manner provided by NRS 616C.305 and 616C.315 to 616C.385, inclusive.

10. All insurers shall bear a proportionate amount of a claim made pursuant to chapters 616A to 616D, inclusive, of NRS, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

11. An uninsured employer is liable for the interest on any amount paid on his claims from the uninsured employers' claim account. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the commissioner of financial institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the account until payment is received by the division from the employer.

12. Attorney's fees recoverable by the division pursuant to this section must be:

(a) If a private attorney is retained by the division, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the division, paid at the rate established by regulations adopted by the division.

Any money collected must be deposited to the uninsured employers' claim account.

13. In addition to any other liabilities provided for in this section, the administrator may impose an administrative fine of not more than \$10,000 against an employer if the employer fails to provide mandatory coverage required by the provisions of chapters 616A to 616D, inclusive, of NRS.

**Sec. 90.** Section 45 of chapter 554, Statutes of Nevada 2001, at page 2773, is hereby amended to read as follows:

Sec. 45. 1. This section and sections 1 to 18, inclusive, 21 to 24, inclusive, 26 to 30, inclusive, 32, 33, 35 to 42, inclusive, ~~and~~ 44 *and* 46 of this act become effective on July 1, 2001.

2. Sections 19, 20, 25, 31, 34 and 43 of this act become effective at 12:01 a.m. on July 1, 2001.

**Sec. 91.** Section 28 of chapter 560, Statutes of Nevada 2001, at page 2800, is hereby amended to read as follows:

Sec. 28. Section 2 of Assembly Bill No. 400 of this session is hereby amended to read as follows:

Sec. 2. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed, commits the crime of stalking. Except where the provisions of subsection 2 or 3 are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a misdemeanor.

(b) For any subsequent offense, is guilty of a gross misdemeanor.

2. A person who ~~is~~

~~—(a) Commits]~~ **commits** the crime of stalking and in conjunction therewith threatens the person with the intent to cause him to be placed in reasonable fear of death or substantial bodily harm ~~;~~

~~—(b) Commits the crime of stalking on his spouse while a proceeding for the dissolution of their marriage is pending for which he has actual or legal notice or within 6 months after entry of the final decree of dissolution; or~~

~~—(c) Commits the crime of stalking on a person with whom he has a child in common while a proceeding for the custody of that child is pending for which he has actual or legal notice,]~~ commits the crime of aggravated stalking.

~~[3.—A person who commits the crime of stalking with the use of an Internet or network site or electronic mail or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.~~

~~—4.]~~ A person who commits the crime of aggravated stalking shall be punished ~~;~~

~~—(a) If he commits the crime set forth in paragraph (a) of subsection 2,]~~ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and

may be further punished by a fine of not more than \$5,000.

~~[(b) If he commits the crime set forth in paragraph (b) or (c) of subsection 2:~~

~~— (1) For the first offense, for a gross misdemeanor.~~

~~— (2) For the second and any subsequent offense, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$5,000.~~

~~— 5.] 3. A person who commits the crime of stalking with the use of an Internet or network site or electronic mail or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.~~

4. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

~~[6.] 5.~~ The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~[7.] 6.~~ As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(b) "Internet or network site" ~~[means any identifiable site on the Internet or on a network. The term includes, without limitation:~~

~~— (1) A website or other similar site on the World Wide Web;~~

~~— (2) A site that is identifiable through a Uniform Resource Location;~~

~~— (3) A site on a network that is owned, operated, administered or controlled by a provider of Internet service;~~

~~— (4) An electronic bulletin board;~~

~~— (5) A list server;~~

~~— (6) A newsgroup; or~~

~~— (7) A chat room.] has the meaning ascribed to it in section 2 of Senate Bill No. 48 of this session.~~

(c) "Network" has the meaning ascribed to it in NRS 205.4745.

(d) "Provider of Internet service" has the meaning ascribed to it in NRS 205.4758.

(e) "Without lawful authority" includes acts which are initiated or continued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

**Sec. 92.** 1. Sections 14, 19, 27, 29, 34, 37, 54, 64 and 67 of chapter 581, Statutes of Nevada 2001, at pages 2948, 2951, 2957, 2958, 2960, 2962, 2969 and 2972, are hereby amended to read respectively as follows:

Sec. 14. NRS 293.303 is hereby amended to read as follows:

293.303 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not belong to the political party designated upon the register, "I swear or affirm under penalty of perjury that I belong to the political party designated upon the register";

(b) If the challenge is on the ground that the register does not show that he designated the political party to which he claims to belong, "I swear or affirm under penalty of perjury

that I designated on the application to register to vote the political party to which I claim to belong”;

(c) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, “I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register”;

(d) If the challenge is on the ground that he previously voted a ballot for the election, “I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election”; or

(e) If the challenge is on the ground that he is not the person he claims to be, “I swear or affirm under penalty of perjury that I am the person whose name is in this election board register.”

The oath or affirmation must be set forth on a form prepared by the secretary of state and signed by the challenged person under penalty of perjury.

3. Except as otherwise provided in subsection 4, if the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words “Challenged .....” opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) or (b) of subsection 2, the election board officers shall issue him a nonpartisan ballot.

5. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (c) of subsection 2, the election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293.304.

6. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (e) of subsection 2, the election board officers shall issue him a partisan ballot.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification which contains proof of the address at which he actually resides.

8. If the challenge is based on the ground set forth in paragraph (e) of subsection 2 and the challenged person

executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

9. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; *and*

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge. ~~}; and~~

~~—(c) Indicate on the checklist next to the name of the challenged person the result of the challenge.]~~

Sec. 19. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in NRS 293.3157 and subsection 2 of NRS 293.323 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it, if it is a paper ballot, or punch it, if the ballot is voted by punching a card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. ~~[[f the]]~~ *Except as otherwise provided in subsection 3, if an* absent voter who has ~~received~~ *requested* a ballot by mail applies to vote the ballot in person at:

(a) The ~~county clerk's office,]~~ *office of the county clerk,* he must mark or punch the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, *including, without limitation, a polling place for early voting,* he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Canceled."

3. *If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:*

*(a) Provides satisfactory identification;*

*(b) Is a registered voter who is otherwise entitled to vote; and*

*(c) Signs an affirmation under penalty of perjury on a form prepared by the secretary of state declaring that the voter has not voted during the election.*

4. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 27. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) The fiscal note, as provided pursuant to NRS 218.443 or 293.250, for each proposed constitutional amendment or statewide measure;

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it; and

(c) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional

amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

**NOTICE: THE LOCATION OF YOUR POLLING PLACE  
HAS CHANGED SINCE THE LAST ELECTION**

4. Except as otherwise provided in subsection 5, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

**NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)**

5. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

6. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to section 1 of ~~this act~~, *Senate Bill No. 27 of this session*, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

7. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

8. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place

and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter.

9. ~~[The county clerk shall include in each sample ballot for a primary election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.~~

~~—10.]~~ The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 29. NRS 293C.292 is hereby amended to read as follows:

293C.292 1. A person applying to vote may be challenged:

(a) Orally by any registered voter of the precinct or district upon the ground that he is not the person entitled to vote as claimed or has voted before at the same election; or

(b) On any ground set forth in a challenge filed with the county clerk pursuant to the provisions of NRS 293.547.

2. If a person is challenged, an election board officer shall tender the challenged person the following oath or affirmation:

(a) If the challenge is on the ground that he does not reside at the residence for which the address is listed in the election board register, "I swear or affirm under penalty of perjury that I reside at the residence for which the address is listed in the election board register";

(b) If the challenge is on the ground that he previously voted a ballot for the election, "I swear or affirm under penalty of perjury that I have not voted for any of the candidates or questions included on this ballot for this election"; or

(c) If the challenge is on the ground that he is not the person he claims to be, "I swear or affirm under penalty of perjury that I am the person whose name is in this election board register."

The oath or affirmation must be set forth on a form prepared by the secretary of state and signed by the challenged person under penalty of perjury.

3. If the challenged person refuses to execute the oath or affirmation so tendered, he must not be issued a ballot, and the officer in charge of the election board register shall write the words "Challenged ....." opposite his name in the election board register.

4. If the challenged person refuses to execute the oath or affirmation set forth in paragraph (a) of subsection 2, the

election board officers shall inform him that he is entitled to vote only in the manner prescribed in NRS 293C.295.

5. If the challenged person executes the oath or affirmation and the challenge is not based on the ground set forth in paragraph (c) of subsection 2, the election board officers shall issue him a ballot.

6. If the challenge is based on the ground set forth in paragraph (a) of subsection 2, and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot until he furnishes satisfactory identification that contains proof of the address at which he actually resides.

7. If the challenge is based on the ground set forth in paragraph (c) of subsection 2 and the challenged person executes the oath or affirmation, the election board shall not issue the person a ballot unless he:

(a) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; or

(b) Brings before the election board officers a person who is at least 18 years of age who:

(1) Furnishes official identification which contains a photograph of himself, such as his driver's license or other official document; and

(2) Executes an oath or affirmation under penalty of perjury that the challenged person is who he swears he is.

8. The election board officers shall:

(a) Record on the challenge list:

(1) The name of the challenged person;

(2) The name of the registered voter who initiated the challenge; and

(3) The result of the challenge; *and*

(b) If possible, orally notify the registered voter who initiated the challenge of the result of the challenge. ~~;~~ *and*

~~(c) Indicate on the checklist next to the name of the challenged person the result of the challenge.~~

Sec. 34. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in NRS 293C.315 and subsection 2 of NRS 293C.322 and any regulations adopted pursuant thereto, when an absent voter receives his ballot, he must mark and fold it, if it is a paper ballot, or punch it, if the ballot is voted by punching a card, in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his signature on the back of

the envelope in the space provided therefor and mail the return envelope.

2. ~~If the~~ *Except as otherwise provided in subsection 3, if an* absent voter who has ~~received~~ *requested* a ballot by mail applies to vote the ballot in person at:

(a) The ~~city clerk's office,~~ *office of the city clerk,* he must mark or punch the ballot, seal it in the return envelope and affix his signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, *including, without limitation, a polling place for early voting,* he must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Canceled."

3. *If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:*

*(a) Provides satisfactory identification;*

*(b) Is a registered voter who is otherwise entitled to vote; and*

*(c) Signs an affirmation under penalty of perjury on a form prepared by the secretary of state declaring that the voter has not voted during the election.*

4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of his family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that he is a member of the family of the voter who requested the absent ballot and that the voter requested that he return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 37. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. At least 10 days before an election, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

**NOTICE: THE LOCATION OF YOUR POLLING PLACE  
HAS CHANGED SINCE THE LAST ELECTION**

2. Except as otherwise provided in subsection 3, a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

**NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone number)**

3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

4. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to section 1 of ~~[this act.]~~ *Senate Bill No. 27 of this session*, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

5. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

6. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter.

7. ~~[The city clerk shall include in each sample ballot for a primary city election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.~~

~~—8.]~~ The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 54. NRS 306.015 is hereby amended to read as follows:

306.015 1. Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent with the filing officer.

2. The notice of intent:

(a) Must be signed by three registered voters who actually voted in this state or in the county, district or municipality electing the officer at the last preceding general election.

(b) Must be signed before a person authorized by law to administer oaths that the statements and signatures contained in the notice are true.

(c) Is valid until the date on which the call for a special election is issued, as set forth in NRS 306.040.

3. The petition may consist of more than one document. The persons filing the notice of intent shall submit the petition that was circulated for signatures to the filing officer within 90 days after the date on which the notice of intent was filed. The filing officer shall immediately submit the petition to the county clerk for verification pursuant to NRS 306.035. Any person who fails to ~~file~~ *submit* the petition *to the filing officer* as required by this subsection is guilty of a misdemeanor. Copies of the petition are not valid for any subsequent petition.

4. The county clerk shall, upon completing the verification of the signatures on the petition, file the petition with the filing officer.

5. Any person who signs a petition to recall any public officer may request that the county clerk remove his name from the petition by submitting a request in writing to the county clerk at any time before the petition is submitted for the verification of the signatures thereon pursuant to NRS 306.035.

6. A person who signs a notice of intent pursuant to subsection 1 or a petition to recall a public officer is immune from civil liability for conduct related to the exercise of his right to participate in the recall of a public officer.

7. As used in this section, "filing officer" means the officer with whom the public officer to be recalled filed his declaration of candidacy or acceptance of candidacy pursuant to NRS 293.185, 293C.145 or 293C.175.

Sec. 64. Section 5.070 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, *as amended by chapter 41, Statutes of Nevada 2001*, at page ~~[737,] 399~~, is hereby amended to read as follows:

Sec. 5.070 Availability of lists of registered voters. If, for any purpose relating to an election or to candidates or issues involved in an election, any organization, group or person requests a list of registered voters of the city, the department, office or agency which has custody of the official register of voters ~~[shall:] shall, except as otherwise provided in NRS 293.558:~~

1. Permit the organization, group or person to copy the names and addresses of voters from the official register of voters; or

2. Furnish such a list upon payment of the cost established by state election law.

Sec. 67. **1.** NRS 293.037, 293B.320 and 293C.537 are hereby repealed.

**2. Sections 6 and 26 of chapter 412, Statutes of Nevada 2001, at pages 2025 and 2035, respectively, are hereby repealed.**

2. Chapter 581, Statutes of Nevada 2001, at page 2972, is hereby amended by adding thereto new sections to be designated as sections 66.3 and 66.5, immediately following section 66, to read respectively as follows:

Sec. 66.3. Sections 2 and 3 of chapter 408, Statutes of Nevada 2001, at pages 2001 and 2002, respectively, are hereby amended to read respectively as follows:

Sec. 2. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 2, sample ballots must include:

(a) The fiscal note, as provided pursuant to NRS 218.443 or 293.250, for each proposed constitutional amendment or statewide measure;

(b) An explanation, as provided pursuant to NRS 218.443, of each proposed constitutional amendment or statewide measure, including arguments for and against it; and

(c) The full text of each proposed constitutional amendment.

2. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

3. At least 10 days before any election, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in ~~fat~~ **least 10-point** bold type immediately above the location which states:

**NOTICE: THE LOCATION OF YOUR POLLING PLACE  
HAS CHANGED SINCE THE LAST ELECTION**

4. *Except as otherwise provided in subsection 5, a sample ballot required to be mailed pursuant to this section must:*

*(a) Be printed in at least 12-point type; and*

*(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:*

***NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone  
number)***

5. *A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.*

6. *The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to section 1 of this act, or in*

*any other manner, must be printed in at least 14-point type, or larger when practicable.*

*7. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.*

8. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter.

~~{5-}~~ 9. The county clerk shall include in each sample ballot for a primary election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

~~{6-}~~ 10. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 3. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. At least 10 days before an election, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in ~~{at least 10-point}~~ bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING  
PLACE  
HAS CHANGED SINCE THE LAST ELECTION

2. *Except as otherwise provided in subsection 3, a sample ballot required to be mailed pursuant to this section must:*

*(a) Be printed in at least 12-point type; and*

*(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:*

***NOTICE: TO RECEIVE A SAMPLE BALLOT IN  
LARGE TYPE, CALL (Insert appropriate telephone  
number)***

***3. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.***

***4. The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to section 1 of this act, or in any other manner, must be printed in at least 14-point type, or larger when practicable.***

***5. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.***

**6.** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his polling place and provide reasonable assistance to the voter in casting his vote, including, without limitation, providing appropriate materials to assist the voter.

~~3.1~~ **7.** The city clerk shall include in each sample ballot for a primary city election, a separate page on which is printed a list of the offices and candidates for those offices for which there is no opposition.

~~4.1~~ **8.** The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 66.5. Chapter 408, Statutes of Nevada 2001, at page 2004, is hereby amended by adding thereto a new section to be designated as section 6, immediately following section 5, to read as follows:

Sec. 6. Sections 2 and 3 of this act become effective at 12:01 a.m. on October 1, 2001.

3. Chapter 581, Statutes of Nevada 2001, at page 2972, is hereby amended by adding thereto a new section to be designated as section 68, immediately following section 67, to read as follows:

Sec. 68. 1. This section, sections 66.3 and 66.5 and subsection 2 of section 67 of this act become effective on September 30, 2001.

2. Sections 1 to 13, inclusive, 15 to 18, inclusive, 20 to 26, inclusive, 28, 30 to 33, inclusive, 35, 36, 38 to 53, inclusive, and 55 to 66, inclusive, and subsection 1 of section 67 of this act become effective on October 1, 2001.

3. Sections 14, 19, 29, 34 and 54 of this act become effective at 12:01 a.m. on October 1, 2001.

4. Sections 27 and 37 of this act become effective at 12:02 a.m. on October 1, 2001.

**Sec. 93.** Section 17 of chapter 583, Statutes of Nevada 2001, at page 2984, is hereby amended to read as follows:

Sec. 17. Section 21 of chapter 423, Statutes of Nevada 1999, *as amended by section 85 of chapter 10, Statutes of Nevada 2001*, at page ~~[1972,]~~ 141, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 9, inclusive, of this act become effective on October 1, 1999.

2. Sections 18 and 20 of this act become effective at 12:02 a.m. on October 1, 1999.

3. Sections 10 to 17, inclusive, ~~[and]~~ 19 *and 20.5* of this act become effective on July 1, 2001.

**Sec. 94.** Chapter 589, Statutes of Nevada 2001, at page 3041, is hereby amended by adding thereto new sections to be designated as sections 11.3 and 11.5, immediately following section 11, to read respectively as follows:

Sec. 11.3. Section 241 of chapter 520, Statutes of Nevada 2001, at page 2644, is hereby amended to read as follows:

Sec. 241. 1. This section ~~[ ]~~ *and* sections 1 to 41, inclusive, 43 to 54, inclusive, 56, 57, 59 to *90, inclusive, 92 to* 223, inclusive, 227 to 240, inclusive, and 242 of this act become effective upon passage and approval for the purpose of authorizing any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on July 1, 2001, for all other purposes.

2. Sections 55, 58, 225 and 226 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Sections 42 and 224 of this act become effective on January 1, 2002.

Sec. 11.5. Sections 2 and 4 of chapter 383, Statutes of Nevada 2001, at pages 1853 and 1856, respectively, and section 91 of chapter 520, Statutes of Nevada 2001, at page 2574, are hereby repealed.

**Sec. 95.** 1. Sections 16 and 36 of chapter 593, Statutes of Nevada 2001, at pages 3081 and 3096, respectively, are hereby amended to read respectively as follows:

Sec. 16. NRS 463.335 is hereby amended to read as follows:

463.335 1. The legislature finds that, to protect and promote the health, safety, morals, good order and general

welfare of the inhabitants of the State of Nevada and to carry out the policy declared in NRS 463.0129, it is necessary that the board:

(a) Ascertain and keep itself informed of the identity, prior activities and present location of all gaming employees and independent agents in the State of Nevada; and

(b) Maintain confidential records of such information.

2. Except as otherwise provided in ~~[subsections 3 and 4,]~~ **subsection 3**, a person may not be employed as a gaming employee or serve as an independent agent unless he is the holder of ~~[-~~:

~~—(a) A valid work permit issued in accordance with the applicable ordinances or regulations of the county or city in which his duties are performed and the provisions of this chapter; or~~

~~—(b) A valid work permit issued by the board, if a work permit is not required by either the county or the city.]~~ **a valid work permit to work as a gaming employee issued pursuant to this section. A work permit to work as a gaming employee may be issued by the board or by a county or city licensing authority. An applicant for a work permit shall file his application for a work permit with the licensing authority of the city in which he resides if that city requires a work permit. If the city in which he resides does not require such a permit, the applicant shall file his application with the licensing authority of the county in which he resides if that county requires a work permit. If the county in which he resides does not require such a permit, the applicant shall file his application with the board. The board shall, by regulation, prescribe the form for an application for a work permit to work as a gaming employee. The fee for such a permit may be charged only to cover the actual investigative and administrative costs related to processing an application for such a permit and must not exceed \$75.**

3. An independent agent is not required to hold a work permit if he is not a resident of this state and has registered with the board in accordance with the provisions of the regulations adopted by the commission.

4. ~~[A person may be employed as a gaming employee for an operator of a slot machine route and perform duties for his employer in more than one county or city without obtaining a valid work permit for each county or city in which he performs those duties if the person holds:~~

~~—(a) A valid work permit issued in accordance with the applicable ordinances or regulations of the county or city in~~

~~which his duties are primarily performed and the provisions of this chapter; or~~

~~—(b) A valid work permit issued by the board, if a work permit is not required by either the county or the city in which his duties are primarily performed.~~

~~—5. A gaming employee described in subsection 4 shall notify the licensing authority of each city and county in which he performs duties for his employer, other than the licensing authority that issued his valid work permit, that he has obtained a valid work permit pursuant to subsection 4.~~

~~—6.] Upon receipt of an application for a work permit to work as a gaming employee, the board or licensing authority shall conduct an investigation of the applicant to determine whether he is eligible for the permit. In conducting the investigation, the board or licensing authority shall forward a complete set of the applicant's fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for a report concerning the criminal history of the applicant. The investigation need not be limited solely to consideration of the results of the report concerning the criminal history of the applicant.~~

5. A work permit issued to a gaming employee or an independent agent must have clearly imprinted thereon a statement that it is valid for gaming purposes only.

6. *Unless denied or objected to by the board at the time that the permittee filed a notice of a change in his place of employment pursuant to subsection 8 and unless suspended or revoked, such a permit expires on the fifth anniversary of the permittee's birthday, measured from the birthday nearest the date of issuance or renewal. If the date of birth of a permittee is on February 29 in a leap year, for the purposes of this section, his date of birth shall be deemed to be on February 28.*

7. Whenever any person applies *to a county or city licensing authority* for the issuance or renewal of a work permit, the county or city officer or employee to whom the application is made shall within 24 hours mail or deliver a copy thereof to the board, and may at the discretion of the county or city licensing authority issue a temporary work permit that is valid for 120 days. If within 120 days after receipt by the board of the copy of the application, the board has not notified the county or city licensing authority of any objection, the authority may issue, renew or deny a *permanent* work permit to the applicant.

8. A gaming employee who is issued a work permit ~~[must obtain renewal of the permit from the issuing agency within 10 days following any change of his place of employment. An independent agent who is issued a work permit must obtain renewal of the permit from the issuing agency within 10 days after executing an agreement to serve as an independent agent within the jurisdiction of the issuing agency.]~~

*8.] is eligible for employment in any licensed gaming establishment in this state until the work permit is denied or objected to by the board, expires or is revoked. However, each such employee shall notify the board within 10 days following any change of his place of employment at a gaming establishment. Such a notification shall be deemed an application for a work permit that the board may deny or object to after conducting any investigations the board deems appropriate. The provisions of subsections 9 to 16, inclusive, apply to any such objection of the board. The commission shall adopt regulations to:*

*(a) Facilitate uniform procedures for the issuance of work permits by counties and cities;*

*(b) Establish uniform criteria for denial by a county or city licensing authority of an application for a work permit; and*

*(c) Provide for the creation and maintenance of a system of records that contain information regarding the current place of employment of each person who possesses a valid work permit.*

9. If the board, within the 120-day period, notifies:

(a) The county or city licensing authority; and

(b) The applicant,

that the board objects to the granting of a work permit to the applicant, the authority shall deny the work permit and shall immediately revoke and repossess any temporary work permit which it may have issued. The notice of objection by the board which is sent to the applicant must include a statement of the facts upon which the board relied in making its objection.

~~[9.—Application for a work permit may be made to the board, and may be granted or denied for any cause deemed reasonable by the board.]~~

10. Whenever *an application for a work permit is made to the board and* the board denies such an application, it shall include in its notice of the denial a statement of the facts upon which it relied in denying the application. ~~[Except for a permit issued to a person pursuant to subsection 4, a permit~~

~~issued by the board is valid only in a county or city that does not require a work permit.~~

~~10.]~~ **11.** Any person whose application for a work permit has been denied because of an objection by the board or whose application has been denied by the board may, not later than 60 days after receiving notice of the denial or objection, apply to the board for a hearing. A failure of a person whose application has been denied to apply for a hearing within 60 days or his failure to appear at a hearing of the board conducted pursuant to this section shall be deemed to be an admission that the denial or objection is well founded, and the failure precludes administrative or judicial review. At the hearing, the board shall take any testimony deemed necessary. After the hearing the board shall review the testimony taken and any other evidence, and shall within 45 days after the date of the hearing mail to the applicant its decision sustaining or reversing the denial of the work permit or the objection to the issuance of a work permit.

~~11.]~~ **12.** The board may object to the issuance of a work permit or may refuse to issue a work permit for any cause deemed reasonable by the board. The board may object or refuse if the applicant has:

(a) Failed to disclose or misstated information or otherwise attempted to mislead the board with respect to any material fact contained in the application for the issuance or renewal of a work permit;

(b) Knowingly failed to comply with the provisions of this chapter or chapter 463B, 464 or 465 of NRS or the regulations of the commission at a place of previous employment;

(c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny or any violation of any law pertaining to gaming, or any crime which is inimical to the declared policy of this state concerning gaming;

(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state;

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority;  
or

(g) Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit.

If the board issues or does not object to the issuance of a work permit to an applicant, ~~[who has been convicted of a crime which is a felony, gross misdemeanor or misdemeanor,]~~ it may specially limit the period for which the permit is valid, limit the job classifications for which the holder of the permit may be employed and establish such individual conditions for the issuance, renewal and effectiveness of the permit as the board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances.

~~[12.]~~ **13.** Any applicant aggrieved by the decision of the board may, within 15 days after the announcement of the decision, apply in writing to the commission for review of the decision. Review is limited to the record of the proceedings before the board. The commission may sustain, modify or reverse the board's decision. The decision of the commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

~~[13.]~~ **14.** Except as otherwise provided in this subsection, all records acquired or compiled by the board or commission relating to any application made pursuant to this section and all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the gaming industry in this state are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Upon receipt of a request from the welfare division of the department of human resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the board shall disclose to the division his social security number, residential address and **current** employer as that information is listed in the files and records of the board. Any record of the board or commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

~~[14. A work permit expires unless renewed in accordance with subsection 7, or if the holder thereof is not employed as a gaming employee or does not serve as an independent agent within the jurisdiction of the issuing authority for more than 90 days.]~~

15. The chairman of the board may designate a member of the board or the board may appoint a hearing examiner and authorize that person to perform on behalf of the board any of the following functions required of the board by this section concerning work permits:

- (a) Conducting a hearing and taking testimony;
- (b) Reviewing the testimony and evidence presented at the hearing;
- (c) Making a recommendation to the board based upon the testimony and evidence or rendering a decision on behalf of the board to sustain or reverse the denial of a work permit or the objection to the issuance or renewal of a work permit; and
- (d) Notifying the applicant of the decision.

16. Notice by the board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit, or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

Sec. 36. 1. This section and sections 28 to 32, inclusive, of this act become effective upon passage and approval.

2. Sections 16 and 34 of this act become effective upon passage and approval for purposes related to the adoption and dissemination of regulations by the Nevada gaming commission and on January 1, 2003, for all other purposes.

3. Sections 1 to 12, inclusive, 14, 15, 17 to 27, inclusive, 33 and 35 of this act become effective on July 1, 2001.

4. *Section 15.5 of this act becomes effective on October 1, 2001.*

5. Section 13 of this act becomes effective on January 1, 2003.

2. Chapter 593, Statutes of Nevada 2001, at page 3081, is hereby amended by adding thereto a new section to be designated as section 15.5, immediately following section 15, to read as follows:

Sec. 15.5. NRS 463.335 is hereby amended to read as follows:

463.335 1. The legislature finds that, to protect and promote the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and to carry out the policy declared in NRS 463.0129, it is necessary that the board:

(a) Ascertain and keep itself informed of the identity, prior activities and present location of all gaming employees and independent agents in the State of Nevada; and

(b) Maintain confidential records of such information.

2. Except as otherwise provided in subsections 3 and 4, a person may not be employed as a gaming employee or serve as an independent agent unless he is the holder of:

(a) A valid work permit issued in accordance with the applicable ordinances or regulations of the county or city in which his duties are performed and the provisions of this chapter; or

(b) A valid work permit issued by the board, if a work permit is not required by either the county or the city.

3. An independent agent is not required to hold a work permit if he is not a resident of this state and has registered with the board in accordance with the provisions of the regulations adopted by the commission.

4. A person may be employed as a gaming employee for an operator of a slot machine route and perform duties for his employer in more than one county or city without obtaining a valid work permit for each county or city in which he performs those duties if the person holds:

(a) A valid work permit issued in accordance with the applicable ordinances or regulations of the county or city in which his duties are primarily performed and the provisions of this chapter; or

(b) A valid work permit issued by the board, if a work permit is not required by either the county or the city in which his duties are primarily performed.

5. A gaming employee described in subsection 4 shall notify the licensing authority of each city and county in which he performs duties for his employer, other than the licensing authority that issued his valid work permit, that he has obtained a valid work permit pursuant to subsection 4.

6. A work permit issued to a gaming employee or an independent agent must have clearly imprinted thereon a statement that it is valid for gaming purposes only.

7. Whenever any person applies for the issuance or renewal of a work permit, the county or city officer or employee to whom the application is made shall within 24 hours mail or deliver a copy thereof to the board, and may at the discretion of the county or city licensing authority issue a temporary work permit ~~[ ]~~ *that is valid for 120 days*. If within ~~[90]~~ *120* days after receipt by the board of the copy of the application, the board has not notified the county or city licensing authority of any objection, the authority may issue, renew or deny a work permit to the applicant. A gaming employee who is issued a work permit must obtain renewal of the permit from the issuing agency within 10 days following any change of his place of employment. An independent agent who is issued a work permit must obtain renewal of the permit from the issuing agency within 10 days after executing an agreement to serve as an independent agent within the jurisdiction of the issuing agency.

8. If the board, within the ~~[90-day]~~ *120-day* period, notifies:

- (a) The county or city licensing authority; and
- (b) The applicant,

that the board objects to the granting of a work permit to the applicant, the authority shall deny the work permit and shall immediately revoke and repossess any temporary work permit which it may have issued. The notice of objection by the board which is sent to the applicant must include a statement of the facts upon which the board relied in making its objection.

9. Application for a work permit may be made to the board, and may be granted or denied for any cause deemed reasonable by the board. Whenever the board denies such an application, it shall include in its notice of the denial a statement of the facts upon which it relied in denying the application. Except for a permit issued to a person pursuant to subsection 4, a permit issued by the board is valid only in a county or city that does not require a work permit.

10. Any person whose application for a work permit has been denied because of an objection by the board or whose application has been denied by the board may, not later than 60 days after receiving notice of the denial or objection, apply to the board for a hearing. A failure of a person whose application has been denied to apply for a hearing within 60 days or his failure to appear at a hearing of the board

conducted pursuant to this section shall be deemed to be an admission that the denial or objection is well founded, and the failure precludes administrative or judicial review. At the hearing, the board shall take any testimony deemed necessary. After the hearing the board shall review the testimony taken and any other evidence, and shall within 45 days after the date of the hearing mail to the applicant its decision sustaining or reversing the denial of the work permit or the objection to the issuance of a work permit.

11. The board may object to the issuance of a work permit or may refuse to issue a work permit for any cause deemed reasonable by the board. The board may object or refuse if the applicant has:

(a) Failed to disclose or misstated information or otherwise attempted to mislead the board with respect to any material fact contained in the application for the issuance or renewal of a work permit;

(b) Knowingly failed to comply with the provisions of this chapter or chapter 463B, 464 or 465 of NRS or the regulations of the commission at a place of previous employment;

(c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny or any violation of any law pertaining to gaming, or any crime which is inimical to the declared policy of this state concerning gaming;

(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state;

(e) Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;

(f) Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or

(g) Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit.

If the board issues or does not object to the issuance of a work permit to an applicant who has been convicted of a crime which is a felony, gross misdemeanor or misdemeanor, it may specially limit the period for which the permit is valid, limit the job classifications for which the holder of the permit

may be employed and establish such individual conditions for the issuance, renewal and effectiveness of the permit as the board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances.

12. Any applicant aggrieved by the decision of the board may, within 15 days after the announcement of the decision, apply in writing to the commission for review of the decision. Review is limited to the record of the proceedings before the board. The commission may sustain, modify or reverse the board's decision. The decision of the commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

13. Except as otherwise provided in this subsection, all records acquired or compiled by the board or commission relating to any application made pursuant to this section and all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the gaming industry in this state are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Upon receipt of a request from the welfare division of the department of human resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the board shall disclose to the division his social security number, residential address and current employer as that information is listed in the files and records of the board. Any record of the board or commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

14. A work permit expires unless renewed in accordance with subsection 7, or if the holder thereof is not employed as a gaming employee or does not serve as an independent agent within the jurisdiction of the issuing authority for more than 90 days.

15. The chairman of the board may designate a member of the board or the board may appoint a hearing examiner and authorize that person to perform on behalf of the board any of the following functions required of the board by this section concerning work permits:

- (a) Conducting a hearing and taking testimony;

(b) Reviewing the testimony and evidence presented at the hearing;

(c) Making a recommendation to the board based upon the testimony and evidence or rendering a decision on behalf of the board to sustain or reverse the denial of a work permit or the objection to the issuance or renewal of a work permit; and

(d) Notifying the applicant of the decision.

16. Notice by the board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit, or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

**Sec. 96.** Section 4 of chapter 595, Statutes of Nevada 2001, at page 3102, is hereby amended to read as follows:

Sec. 4. NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or ~~demolish~~ *eliminate* a dangerous structure ~~;~~ *or condition*;

(b) Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth, to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on his property of a condition set forth in subsection 1 and the date by which he must abate the condition; and

(2) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision to the board.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period

during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended ~~for labor and materials used~~ to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was required to abate the condition.

3. The board or its designee may direct the county to abate the condition on the property and may recover the amount expended by the county for labor and materials used to abate the condition if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on his property within the period specified in the notice ; ~~or~~

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order ~~or~~ ; *or*

(c) The board has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

4. In addition to any other reasonable means of recovering money expended by the county to abate the condition, the board may ~~provide that~~ *make* the expense ~~is a lien upon~~ *a special assessment against* the property upon which ~~such a~~ *the* condition is located. The ~~lien must be perfected by:~~

~~—(a) Mailing by certified mail a notice of the lien, separately prepared for each lot affected, addressed to the last known owner of the property at his last known address, as determined by the real property assessment roll in the county in which the property is located; and~~

~~—(b) Recording with the county recorder of the county in which the property is located, a statement of the amount due and unpaid and describing the property subject to the lien.] *special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.*~~

*5. As used in this section, “dangerous structure or condition” means a structure or condition that may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real*

*property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:*

*(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or*

*(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated as a nuisance in the ordinance, rule or regulation.*

**Sec. 97.** Sections 2, 6 and 9 of chapter 597, Statutes of Nevada 2001, at pages 3110, 3112 and 3114, respectively, are hereby amended to read respectively as follows:

Sec. 2. NRS 2.060 is hereby amended to read as follows:

2.060 1. Any justice of the supreme court who has served as a justice or judge of a district court in any one or more of those courts for a period or periods aggregating 22 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to three-fourths the sum received as a salary for his judicial services during the last year thereof, payable monthly from the judicial retirement fund established pursuant to section 13 of ~~[this act.]~~ *Assembly Bill No. 4 of the 17th special session of the Nevada Legislature.*

2. Any justice of the supreme court who has served as a justice or judge of a district court in any one or more of those courts for a period or periods aggregating 5 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable monthly from the judicial retirement fund established pursuant to section 13 of ~~[this act.]~~ *Assembly Bill No. 4 of the 17th special session of the Nevada Legislature.*

3. Any justice of the supreme court who qualifies for a pension under the provisions of subsection 2 is entitled to receive, for each year served beyond 5 years up to a maximum of 22 years, an additional 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable as provided in subsection 2.

4. Any justice who has retired pursuant to subsection 3 and is thereafter recalled to additional active service in the

court system is entitled to receive credit toward accumulating 22 years' service for the maximum pension based upon the time he actually spends in the additional active service.

5. Any justice who has the years of service necessary to retire but has not attained the required age may retire at any age with a benefit actuarially reduced to the required retirement age. A benefit under this subsection must be reduced in the same manner as benefits are reduced for persons retired under the public employees' retirement system.

6. Any person receiving a pension pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those provided for persons retired under the public employees' retirement system.

7. Any justice who desires to receive the benefits of this section must file with the executive officer of the public employees' retirement board an affidavit setting forth the fact that he is ending his service, the date and place of his birth, and the years he has served in any district court or the supreme court.

8. The faith of the State of Nevada is hereby pledged that this section shall not be repealed or amended so as to affect any justice who may have ended his service pursuant to it.

*9. As used in this section, "salary" includes a salary received for service on a supreme court commission created by statute.*

Sec. 6. NRS 3.090 is hereby amended to read as follows:

3.090 1. Any judge of the district court who has served as a justice of the supreme court or judge of a district court in any one or more of those courts for a period or periods aggregating 22 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to three-fourths the sum received as a salary for his judicial services during the last year thereof, payable monthly from the judicial retirement fund established pursuant to section 13 of ~~[this act.]~~ *Assembly Bill No. 4 of the 17th special session of the Nevada Legislature.*

2. Any judge of the district court who has served as a justice of the supreme court or judge of a district court in any one or more of those courts for a period or periods aggregating 5 years and has ended such service is, after reaching the age of 60 years, entitled to receive annually from

the State of Nevada, as a pension during the remainder of his life, a sum of money equal in amount to 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable monthly from the judicial retirement fund established pursuant to section 13 of ~~this act~~ *Assembly Bill No. 4 of the 17th special session of the Nevada Legislature.*

3. Any judge of the district court who qualifies for a pension under the provisions of subsection 2 is entitled to receive, for each year served beyond 5 years up to a maximum of 22 years, an additional 4.1666 percent of the sum received as a salary for his judicial services during the last year thereof, payable as provided in subsection 2.

4. Any judge who has retired pursuant to subsection 3 and is thereafter recalled to additional active service in the court system is entitled to receive credit toward accumulating 22 years' service for the maximum pension based upon the time he actually spends in the additional active service.

5. Any district judge who has the years of service necessary to retire but has not attained the required age may retire at any age with a benefit actuarially reduced to the required retirement age. A retirement benefit under this subsection must be reduced in the same manner as benefits are reduced for persons retired under the public employees' retirement system.

6. Any person receiving a pension pursuant to the provisions of this section is entitled to receive post-retirement increases equal to those provided for persons retired in the public employees' retirement system.

7. Any judge of the district court who desires to receive the benefits of this section must file with the executive officer of the public employees' retirement board an affidavit setting forth the fact that he is ending his service, the date and place of his birth, and the years he has served in any district court or the supreme court.

8. The faith of the State of Nevada is hereby pledged that this section shall not be repealed or amended so as to affect any judge of the district court who may have ended his service pursuant to it.

*9. As used in this section, "salary" includes a salary received for service on a district court commission created by statute.*

Sec. 9. 1. This section and sections 1, 5 and 7 of this act become effective on October 1, 2001.

2. Section 8 of this act becomes effective on July 1, 2002.

3. ~~[Sections 2 and]~~ *Section 2 of this act becomes effective at 12:01 a.m. on January 1, 2003, and expires by limitation on December 31, 2006.*

4. *Section 3 of this act ~~[become]~~ becomes effective on January 6, 2003, and ~~[expire]~~ expires by limitation on December 31, 2006.*

~~[4. Sections 4 and]~~

5. *Section 6 of this act ~~[become]~~ becomes effective at 12:01 a.m. on January 1, 2003, and expires by limitation on January 2, 2005.*

6. *Section 4 of this act becomes effective on January 6, 2003, and ~~[expire]~~ expires by limitation on January 2, 2005.*

**Sec. 98.** Sections 38, 43, 64 and 75 of chapter 599, Statutes of Nevada 2001, at pages 3149, 3151, 3165 and 3168, respectively, are hereby amended to read respectively as follows:

Sec. 38. *“Program of distance education” means a program comprised of one or more courses of distance education that is designed for pupils who:*

1. *Are participating in a program for pupils who are at risk of dropping out of high school pursuant to NRS 388.537.*

2. *Are participating in a program of independent study pursuant to NRS 389.155.*

3. *Are enrolled in a public school that does not offer advanced or specialized courses.*

4. *Have a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050.*

5. *Would otherwise be excused from compulsory attendance pursuant to NRS 392.080.*

6. *Are otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675.*

7. *Are otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that special circumstances warrant enrollment for the pupil.*

8. *Are otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that special circumstances warrant enrollment for the pupil.*

Sec. 43. 1. *A pupil may enroll in a program of distance education only if the pupil satisfies the requirements of any other applicable statute and the pupil:*

*(a) Is participating in a program for pupils at risk of dropping out of high school pursuant to NRS 388.537;*

*(b) Is participating in a program of independent study pursuant to NRS 389.155;*

*(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;*

*(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;*

*(e) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;*

*(f) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;*

*(g) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the circumstances warrant enrollment for the pupil; or*

*(h) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the circumstances warrant enrollment for the pupil.*

*2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the state board pursuant to section 49 of this act.*

*3. A child who is exempt from compulsory attendance and receiving equivalent instruction authorized by the state board pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.*

*4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62.405 to 62.485, inclusive, and 392.251 to 392.271, inclusive.*

*5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.*

Sec. 64. Section 60 of chapter 606, Statutes of Nevada 1999, *as amended by section 129 of chapter 10, Statutes of Nevada 2001*, at page ~~{3324,}~~ 238, is hereby amended to read as follows:

Sec. 60. 1. This section, ~~{and}~~ sections 54.1, 54.2, 56 and 57 of this act, and subsection 1 of section 55 of this act ~~{,}~~ become effective upon passage and approval.

2. Sections 1 to 12, inclusive, 13 to 16, inclusive, 18 to 24, inclusive, 26 to 45, inclusive, 47 to 54, inclusive, and 58 and 59 of this act become effective on July 1, 1999.

3. Sections 17, 25 and 46 of this act become effective at 12:01 a.m. on July 1, 1999.

4. ~~{Section 12.5 of this act becomes effective on July 1, 2001.~~

~~{5.}~~ Subsection 2 of section 55 of this act becomes effective on July 1, ~~{2003.~~

~~{6.}~~ 2006.

5. Section 32 of this act expires by limitation on June 30, 2003.

Sec. 75. 1. This section and sections 24, 64, 64.5, 66, ~~{and}~~ 67 and 74 of this act become effective upon passage and approval.

2. Sections 3 to 12, inclusive, 14, 16 to 19, inclusive, 21, 22, 23, 27, 28, 49, 56, 60 to 63, inclusive, 65, and 68 to ~~{74,}~~ 73, inclusive, of this act become effective on July 1, 2001.

3. ~~{Sections 57 and 64.5}~~ Section 57 of this act ~~{become}~~ becomes effective at 12:01 a.m. on July 1, 2001.

4. Sections 1, 2, 13, 15, 20, 25, 26, 29, 30 to 48, inclusive, 50 to 55, inclusive, 58 and 59 of this act become effective on July 1, 2002.

Sec. 99. 1. Sections 54 and 63 of chapter 601, Statutes of Nevada 2001, at pages 3196 and 3200, respectively, are hereby amended to read respectively as follows:

Sec. 54. (Deleted by amendment.)

Sec. 63. 1. This section and sections 1, 2, 3, 8, 9, 47 ~~{,}~~ 59, ~~{60, 61}~~ and 59 to 62, inclusive, of this act become effective upon passage and approval.

2. Sections 5, 6, 12, 13, 15 to 19, inclusive, 20, 21, 22, 25 to 31, inclusive, 35 to 39, inclusive, 41 to 45, inclusive, and ~~{47}~~ 48 to 53, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On August 1, 2001, for all other purposes.

3. Sections 1.5, 4, 7, 8.5, 10, 11, 14, 19.5, 23, 24, 32, 33, 34, 40, 46 and 54 to 58, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) At 12:01 a.m. on August 1, 2001, for all other purposes.

2. Chapter 601, Statutes of Nevada 2001, at page 3199, is hereby amended by adding thereto a new section to be designated as section 59.5, immediately following section 59, to read as follows:

Sec. 59.5. Sections 46, 70 and 94 of chapter 296, Statutes of Nevada 2001, at pages 1382, 1387 and 1397, respectively, are hereby repealed.

**Sec. 100.** 1. Section 16 of chapter 602, Statutes of Nevada 2001, at page 3207, is hereby amended to read as follows:

Sec. 16. NRS 345.025 is hereby amended to read as follows:

345.025 Within the limits of legislative appropriations, specifically made for such purpose, the director of the legislative counsel bureau may contract with a private printing firm for the reproduction by printing or other reproductive process of volumes of Nevada Reports *or Statutes of Nevada* which are out of print or of limited supply in the office of the legislative counsel bureau if the price quoted by the firm for such services is lower than the price quoted by the superintendent of the state printing division of the department of administration. Such reproduced volumes may be bound so as to contain one or more volumes of the original Nevada Reports *or Statutes of Nevada* and must be sold to the public at the prices established pursuant to NRS 345.050. The proceeds of such sales *of Nevada Reports* must be deposited by the director of the legislative counsel bureau with the state treasurer for credit to the state general fund.

2. Chapter 602, Statutes of Nevada 2001, at page 3203, is hereby amended by adding thereto a new section to be designated as section 6.5, immediately following section 6, to read as follows:

Sec. 6.5. NRS 218.247 is hereby amended to read as follows:

218.247 1. The legislative counsel and the legal division of the legislative counsel bureau shall prepare and assist in the preparation of legislative measures at the request of the supreme court if the legislative measures are transmitted to the legislative counsel *on or* before September 1 preceding the commencement of the next regular

session of the legislature. The supreme court may transmit to the legislative counsel pursuant to this section not more than 16 legislative measures on behalf of the supreme court and district courts of this state and not more than 4 legislative measures on behalf of the municipal courts and justices' courts of this state.

2. Every requested legislative measure must set forth the substance of the provisions desired or which may be needed with the reasons therefor.

3. The legislative counsel shall transmit any legislative measure prepared pursuant to this section to the chairman of the committee on judiciary of each house at the next regular session of the legislature.

3. Chapter 602, Statutes of Nevada 2001, at page 3208, is hereby amended by adding thereto a new section to be designated as section 16.5, immediately following section 16, to read as follows:

Sec. 16.5. Section 4 of chapter 417, Statutes of Nevada 2001, at page 2118, is hereby amended to read as follows:

Sec. 4. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The legislative counsel and the legal division of the legislative counsel bureau shall prepare and assist in the preparation of legislative measures at the request of a regional planning coalition if the legislative measures are transmitted to the legislative counsel on or before September 1 preceding the commencement of the next regular session of the legislature. A regional planning coalition may transmit to the legislative counsel pursuant to this section not more than one legislative measure for a regular legislative session.*

*2. Every requested legislative measure must set forth the substance of the provisions which are desired or which may be needed with the reasons therefor.*

*3. As used in this section, "regional planning coalition" has the meaning ascribed to it in NRS 278.0172.*

**Sec. 101.** Sections 1.5, 3, 6.5, 9, 9.3, 12 and 16 of chapter 603, Statutes of Nevada 2001, at pages 3209, 3210, 3213, 3216, 3218 and 3221, are hereby amended to read respectively as follows:

Sec. 1.5. NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise county recorders shall charge and collect the following fees:

For recording any document, for the first page.....~~[\$7]~~ **\$10**

For each additional page ..... \$1  
 For recording each portion of a document which must be separately indexed, after the first indexing..... 3  
 For copying any record, for each page..... 1  
 For certifying, including certificate and seal ..... 4  
 For a certified copy of a certificate of marriage ..... ~~7~~ 10  
 For a certified abstract of a certificate of marriage ..... ~~7~~ 10

2. *Except as otherwise provided in this subsection, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection for credit to the account established pursuant to section 1 of this act.*

3. *Except as otherwise provided in this subsection, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection. On or before the 15th day of each month, the county treasurer shall remit the money received by him pursuant to this subsection to the state treasurer for credit to the account to assist persons formerly in foster care established pursuant to section 14.5 of this act.*

4. Except as otherwise provided in subsection ~~3~~ 5, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by him to:

- (a) The county in which his office is located.
- (b) The State of Nevada or any city or town within the county in which his office is located, if the document being recorded:

- (1) Conveys to the state, or to that city or town, an interest in land;
- (2) Is a mortgage or deed of trust upon lands within the county which names the state or that city or town as beneficiary;
- (3) Imposes a lien in favor of the state or that city or town; or
- (4) Is a notice of the pendency of an action by the state or that city or town.

~~3.1~~ **5.** A county recorder shall charge and collect the fees specified in this section for copying of any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his certificate and seal upon the copy, the county recorder shall charge the regular fee.

~~4.1~~ **6.** For purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his official capacity.

~~5.1~~ **7.** Except as otherwise provided *in subsection 2 or 3 or* by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

Sec. 3. NRS 248.275 is hereby amended to read as follows:

248.275 1. The sheriff of each county in this state may charge and collect the following fees:

- For serving a summons or complaint, or any other process, by which an action or proceeding is commenced, except as a writ of habeas corpus, on every defendant ..... ~~15~~ **\$17**
- For traveling and making such service, per mile in going only, to be computed in all cases the distance actually traveled, for each mile..... ~~1~~ **2**
- If any two or more papers are required to be served in the same suit at the same time, where parties live in the same direction, one mileage only may be charged.
- For taking a bond or undertaking in any case in which he is authorized to take a bond or undertaking ..... ~~4~~ **5**
- For a copy of any writ, process or other paper, if demanded or required by law, for each page..... ~~2~~ **3**
- For serving every rule or order ..... 15

|   |                    |
|---|--------------------|
| For serving one notice required by law before the commencement of a proceeding for any type of eviction .....   | <del>15</del> \$26 |
| For serving not fewer than 2 nor more than 10 such notices to the same location, each notice ...  | <del>12</del> 20   |
| For serving not fewer than 11 nor more than 24 such notices to the same location, each notice ...   | <del>10</del> 17   |
| For serving 25 or more such notices to the same location, each notice .....   | <del>9</del> 15    |
| For mileage in serving such a notice, for each mile necessarily and actually traveled in going only .....   | <del>1</del> 2     |
| But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.   |                    |
| For serving a subpoena, for each witness summoned.....  | 15                 |
| For traveling, per mile in serving subpoenas, or a venire, in going only, for each mile.....  | <del>1</del> 2     |
| When two or more witnesses or jurors live in the same direction, traveling fees must be charged only for the most distant.  |                    |
| For serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, together with traveling fees, as in cases of summons .....                  | 15                 |
| For making and posting notices and advertising for sale, on execution or any judgment or order of sale, not to include the cost of publication in a newspaper .....   | 15                 |
| For issuing each certificate of sale of property on execution or order of sale, and for recording the original certificate with the county recorder, which must be collected from the party receiving the certificate ..... | <del>3</del> 5     |
| For drawing and executing every sheriff's deed, to be paid by the grantee, who shall in addition pay for the acknowledgment thereof ...   | <del>12</del> 20   |
| For serving a writ of possession or restitution, putting any person into possession entitled thereto .....  | <del>15</del> 21   |

For traveling in the service of any process, not otherwise provided in this section, for each mile necessarily traveled, for going only, for each mile.....~~HH~~ \$2

For mailing a notice of a writ of execution.....~~HH~~ 2

The sheriff may charge and collect ~~HH~~ \$2 per mile traveled, for going only, on all papers not served, where reasonable effort has been made to effect service, but not to exceed \$20.

2. The sheriff may also charge and collect:

(a) For commissions for receiving and paying over money on execution or process, where lands or personal property have been levied on, advertised or sold, on the first \$500, 4 percent; on any sum in excess of \$500, and not exceeding \$1,000, 2 percent; on all sums above that amount, 1 percent.

(b) For commissions for receiving and paying over money on executions without levy, or where the lands or goods levied on are not sold, on the first \$3,500, 2 percent, and on all amounts over that sum, one-half of 1 percent.

(c) For service of any process in a criminal case, or of a writ of habeas corpus, the same mileage as in civil cases, to be allowed, audited and paid as are other claims against the county.

(d) For all services in justices' courts, the same fees as are allowed in subsection 1 and paragraphs (a), (b) and (c) of this subsection.

3. The sheriff is also entitled to further compensation for his trouble and expense in taking possession of property under attachment, execution or other process and of preserving the property, as the court from which the writ or order may issue certifies to be just and reasonable.

4. In service of a subpoena or a venire in criminal cases, the sheriff is entitled to receive mileage for the most distant only, where witnesses and jurors live in the same direction.

5. The fees allowed for the levy of an execution, for advertising and for making and collecting money on an execution or order of sale, must be collected from the defendants, by virtue of the execution or order of sale, in the same manner as the execution is directed to be made.

6. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, all fees collected by a sheriff must be paid into the county treasury of his county on or before the fifth working day of the month next succeeding the month in which the fees are collected.

Sec. 6.5. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, and section 1 of Assembly Bill No. 581 of this session, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice's court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

|  |         |
|--|---------|
| If the sum claimed does not exceed \$1,000 .....                     | \$28.00 |
| If the sum claimed exceeds \$1,000 but does not exceed \$2,500 ..... | 50.00   |
| If the sum claimed exceeds \$2,500 but does not exceed \$4,500 ..... | 100.00  |
| If the sum claimed exceeds \$4,500 but does not exceed \$6,500 ..... | 125.00  |
| If the sum claimed exceeds \$6,500 but does not exceed \$7,500 ..... | 150.00  |
| In all other civil actions.....                                      | 28.00   |

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

|  |       |
|--|-------|
| If the sum claimed does not exceed \$1,000 .....                     | 25.00 |
| If the sum claimed exceeds \$1,000 but does not exceed \$2,500 ..... | 45.00 |
| If the sum claimed exceeds \$2,500 but does not exceed \$5,000 ..... | 65.00 |

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid him or them on filing the first paper in the action, or at the time of appearance:

|  |       |
|--|-------|
| In all civil actions.....                                  | 12.00 |
| For every additional defendant, appearing separately ..... | 6.00  |

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention..... 6.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court..... 6.00

(g) For filing a notice of appeal, and appeal bonds .....

|       |       |
|-------|-------|
| ..... | 12.00 |
|-------|-------|

One charge only may be made if both papers are filed at the same time.

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court..... 12.00

- (i) For preparation and transmittal of transcript and papers on appeal ..... \$12.00
- (j) For celebrating a marriage and returning the certificate to the county recorder..... ~~35.00~~ **50.00**
- (k) For entering judgment by confession ..... 6.00
- (l) For preparing any copy of any record, proceeding or paper, for each page ..... .30
- (m) For each certificate of the clerk, under the seal of the court ..... 3.00
- (n) For searching records or files in his office, for each year..... 1.00
- (o) For filing and acting upon each bail or property bond ..... 40.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by him to the county in which his township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (j) of subsection 1 if he performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except for the fees he may retain as compensation and the fees he is required to pay to the state controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the state controller ~~one-half~~ :

*(a) An amount equal to \$5 of each fee collected pursuant to paragraph (j) of subsection 1 during the preceding month. The state controller shall deposit the money in the account for aid for victims of domestic violence in the state general fund.*

*(b) One-half* of the fees collected pursuant to paragraph (o) of subsection 1 during the preceding month. The state controller shall deposit the money in the fund for the compensation of victims of crime.

Sec. 9. NRS 122.060 is hereby amended to read as follows:

122.060 1. The clerk is entitled to receive as his fee for issuing the license the sum of ~~\$13~~ **\$21**.

2. The clerk shall also at the time of issuing the license collect the sum of ~~\$3~~ **\$10** and pay it over to the county recorder as his fee for recording the originally signed copy of the certificate of marriage described in NRS 122.120.

3. The clerk shall also at the time of issuing the license collect the additional sum of \$4 for the State of Nevada. The fees collected for the state must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the state general fund. The county treasurer shall remit quarterly all such fees deposited by the clerk to the state controller for credit to the state general fund.

4. The clerk shall also at the time of issuing the license collect the additional sum of \$15 for the account for aid for victims of domestic violence in the state general fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of that account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the state controller for credit to that account.

Sec. 9.3. NRS 122.060 is hereby amended to read as follows:

122.060 1. The clerk is entitled to receive as his fee for issuing the license the sum of \$21.

2. The clerk shall also at the time of issuing the license collect the sum of \$10 and pay it over to the county recorder as his fee for recording the originally signed copy of the certificate of marriage described in NRS 122.120.

3. The clerk shall also at the time of issuing the license collect the additional sum of \$4 for the State of Nevada. The fees collected for the state must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the state general fund. The county treasurer shall remit quarterly all such fees deposited by the clerk to the state controller for credit to the state general fund.

4. The clerk shall also at the time of issuing the license collect the additional sum of ~~[\$15]~~ \$20 for the account for aid for victims of domestic violence in the state general fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of that account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the state controller for credit to that account.

Sec. 12. 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 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, 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 400,000 or more, within 45 days; or

(b) In a county whose population is less than 400,000, 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 the decision in accordance with the ordinance adopted pursuant to section 1 of ~~[this act.]~~ *Senate Bill No. 554 of this session.*

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 *set by the board of county commissioners* of not more than ~~[\$35 per page set by the board of county commissioners.]~~ *\$50 for the first sheet of the map plus \$10 for each additional sheet.*

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. 16. 1. This section and ~~sections 9 and~~ *section 9.7* of this act become effective on July 1, 2001.

2. *Section 9 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

3. Sections 1 to 8, inclusive, and 10 to 15, inclusive, of this act become effective on October 1, 2001.

~~[3. Section 9 of this act expires by limitation on December 31, 2002.]~~

4. Section 9.3 of this act becomes effective on January 1, 2003.

**Sec. 102.** Section 100 of chapter 604, Statutes of Nevada 2001, at page 3272, is hereby amended to read as follows:

Sec. 100. Section 1 of Senate Bill No. 210 of this session is hereby amended to read as follows:

Section 1. NRS 704.033 is hereby amended to read as follows:

704.033 1. ~~[The]~~ *Except as otherwise provided in subsection 6, the* commission shall levy and collect an

annual assessment from all public utilities , *providers of discretionary natural gas service and alternative sellers* subject to the jurisdiction of the commission.

2. Except as otherwise provided in ~~[subsection 3, subsections 3 and 4,~~ the annual assessment must be:

(a) For the use of the commission, not more than 3.50 mills; and

(b) For the use of the consumer's advocate, not more than 0.75 mills,

on each dollar of gross operating revenue derived from the intrastate operations of such utilities , *providers of discretionary natural gas service and alternative sellers* in the State of Nevada . ~~[, except that the minimum assessment in any 1 year must be \$10.]~~ The total annual assessment must be not more than 4.25 mills.

3. ~~[For railroads the total annual assessment must be the amount levied for the use of the commission pursuant to paragraph (a) of subsection 2.]~~ The levy for the use of the consumer's advocate must not be assessed against railroads.

4. *The minimum assessment in any 1 year must be \$100.*

5. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) Telephone utilities, except as otherwise provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues . ~~[that are considered by the commission for the purpose of establishing rates.]~~

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, *providers of discretionary natural gas service and alternative sellers,* the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility , *provider of discretionary natural gas service or alternative seller* for resale.

6. *Providers of commercial mobile radio service are not subject to the annual assessment and, in lieu thereof, shall pay to the commission an annual licensing fee of \$200.*

**Sec. 103.** 1. Sections 10, 20, 33, 56, 64, 89, 92, 96, 98, 99, 107, 109, 113, 116, 118, 119, 129 and 139 of chapter 1, Statutes of Nevada 2001 Special Session, at pages 6, 11, 16, 26, 27, 36, 39, 40, 42, 45 to 48, inclusive, 50, 51, 56 and 62, are hereby amended to read respectively as follows:

Sec. 10. NRS 127.152 is hereby amended to read as follows:

127.152 1. Except as otherwise provided in subsection 3, the ~~division~~ *agency which provides child welfare services* or a licensed child-placing agency shall provide the adopting parents of a child with a report which includes:

(a) A copy of any medical records of the child which are in the possession of the ~~division~~ *agency which provides child welfare services* or licensed child-placing agency.

(b) Any information obtained by the ~~division~~ *agency which provides child welfare services* or licensed child-placing agency during interviews of the natural parent regarding:

(1) The medical and sociological history of the child and the natural parents of the child; and

(2) Any behavioral, emotional or psychological problems that the child may have. Information regarding any behavioral, emotional or psychological problems that the child may have must be discussed in accordance with policies *established by an agency which provides child welfare services and a child-placing agency pursuant to regulations* adopted by the division for the disclosure of such information.

(c) Written information regarding any subsidies, assistance and other services that may be available to the child if it is determined pursuant to NRS 127.186 that he has any special needs.

2. The ~~division~~ *agency which provides child welfare services* or child-placing agency shall obtain from the adopting parents written confirmation that the adopting parents have received the report required pursuant to subsection 1.

3. The report required pursuant to subsection 1 must exclude any information that would lead to the identification of the natural parent.

4. The division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the adopting parents of the child may also obtain the information set forth in subsection 1.

Sec. 20. NRS 127.2815 is hereby amended to read as follows:

127.2815 1. Pending completion of the required investigation, the child must be:

(a) Retained by the natural parent; or

(b) Placed by the natural parent with the ~~[division or licensed]~~ *agency which provides child welfare services or* child-placing agency and placed by ~~[it]~~ *the agency which provides child welfare services or child-placing agency* in a foster home licensed ~~[by the division,]~~ *pursuant to NRS 424.030,*

until a determination is made concerning the suitability of the prospective adoptive parents.

2. Upon completion of the investigation, the ~~[division or licensed]~~ *agency which provides child welfare services or* child-placing agency shall forthwith inform the natural parent, the person recommending the placement and the prospective adoptive parents of the decision to approve or deny the placement. If the prospective adoptive home is found:

(a) Suitable, the natural parent may execute a consent to a specific adoption pursuant to NRS 127.053, if not previously executed, and then the child may be placed in the home of the prospective adoptive parents for the purposes of adoption.

(b) Unsuitable or detrimental to the interest of the child, the ~~[division or licensed]~~ *agency which provides child welfare services or* child-placing agency shall file an application in the district court for an order prohibiting the placement. If the court determines that the placement should be prohibited, the court may nullify the written consent to the specific adoption and order the return of the child to the care and control of the parent who executed the consent, but if the parental rights of the parent have been terminated by a relinquishment or a final order of a court of competent jurisdiction or if the parent does not wish to accept the child, then the court may order the placement of the child with the ~~[division]~~ *agency which provides child welfare services* or a ~~[licensed]~~ child-placing agency for adoption.

Sec. 33. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the central repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. The central repository shall disseminate to a prospective or current employer, upon request, information relating to sexual offenses concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information.

5. Records of criminal history must be disseminated by an agency of criminal justice upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The state gaming control board.

(d) The state board of nursing.

(e) The private investigator's licensing board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the public utilities commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) ~~[The division of child and family services of the department of human resources and any county agency that is operated pursuant to NRS 432B.325 or authorized by a court of competent jurisdiction to receive and investigate reports of abuse or neglect of children and which provides or arranges for protective services for such children.]~~ *An agency which provides child welfare services, as defined in NRS 432B.030.*

(p) The welfare division of the department of human resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The state disaster identification team of the division of emergency management of the department.

(s) The commissioner of insurance.

6. Agencies of criminal justice in this state which receive information from sources outside this state concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 56. NRS 424.038 is hereby amended to read as follows:

424.038 1. Before placing, and during the placement of, a child in a family foster home, the ~~division~~ **licensing authority** shall provide to the provider of family foster care such information relating to the child as is necessary to ensure the health and safety of the child and the other residents of the family foster home. This information must include the medical history and previous behavior of the child to the extent that such information is available.

2. The provider of family foster care may, at any time before, during or after the placement of the child in his family foster home, request information about the child from the ~~division~~ **licensing authority**. After the child has left the care of the provider, the ~~division~~ **licensing authority** shall provide the information requested by the provider, unless the information is otherwise declared to be confidential by law or the ~~division~~ **licensing authority** determines that providing the information is not in the best interests of the child.

3. The provider of family foster care shall maintain the confidentiality of information obtained pursuant to this section under the terms and conditions otherwise required by law.

4. The division shall adopt regulations specifying the procedure and format for the provision of information pursuant to this section, which may include the provision of a summary of certain information. If a summary is provided pursuant to this section, the provider of family foster care may also obtain the information set forth in subsections 1 and 2.

Sec. 64. NRS 424.079 is hereby amended to read as follows:

424.079 Upon the request of a provider of family foster care, the ~~division~~ **licensing authority** shall allow the provider to visit a child after the child leaves the care of the provider if:

1. The child agrees to the visitation; and
2. The ~~division~~ **licensing authority** determines that the visitation is in the best interest of the child.

Sec. 89. NRS 432B.190 is hereby amended to read as follows:

432B.190 The division of child and family services shall **, in consultation with each agency which provides child welfare services,** adopt:

1. Regulations establishing reasonable and uniform standards for:

- (a) ~~[Protective]~~ *Child welfare* services provided in this state;
- (b) Programs for the prevention of abuse or neglect of a *child and the achievement of the permanent placement of a child*;
- (c) The development of local councils involving public and private organizations;
- (d) Reports of abuse or neglect, records of these reports and the response to these reports;
- (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide ~~[protective]~~ *child welfare* services enter into agreements to provide services to children and families;
- (f) The management and assessment of reported cases of abuse or neglect;
- (g) The protection of the legal rights of parents and children;
- (h) Emergency shelter for a child;
- (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
- (j) Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;
- (k) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that sets forth the procedures for taking a child for placement in protective custody and the legal rights of persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, section 2 of Assembly Bill No. 248 of ~~[this session]~~ *the 71st session of the Nevada Legislature* and sections 2 and 3 of ~~[this act,]~~ *Assembly Bill No. 429 of the 71st session of the Nevada Legislature*, during all stages of the proceeding; and
- (l) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child; and

2. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive, and section 2 of Assembly Bill No. 248 of ~~[this session.]~~ *the 71st session of the Nevada Legislature.*

Sec. 92. NRS 432B.215 is hereby amended to read as follows:

432B.215 1. An agency which provides ~~[protective services and the division of child and family]~~ *child welfare* services may request the division of parole and probation of the department of public safety to provide information

concerning a probationer or parolee that may assist the agency ~~[for the division of child and family services]~~ in carrying out the provisions of this chapter. The division of parole and probation shall provide such information upon request.

2. The agency which provides ~~[protective services or the division of child and family]~~ *child welfare* services may use the information obtained pursuant to subsection 1 only for the limited purpose of carrying out the provisions of this chapter.

Sec. 96. NRS 432B.260 is hereby amended to read as follows:

432B.260 1. Upon the receipt of a report concerning the possible abuse or neglect of a child, an agency which provides ~~[protective]~~ *child welfare* services or a law enforcement agency shall promptly notify the appropriate licensing authority, if any. A law enforcement agency shall promptly notify an agency which provides ~~[protective]~~ *child welfare* services of any report it receives.

2. Upon receipt of a report concerning the possible abuse or neglect of a child, an agency which provides ~~[protective]~~ *child welfare* services or a law enforcement agency shall immediately initiate an investigation if the report indicates that:

- (a) The child is 5 years of age or younger;
- (b) There is a high risk of serious harm to the child; or
- (c) The child is living in a household in which another child has died, or the child is seriously injured or has visible signs of physical abuse.

3. Except as otherwise provided in subsection 2, upon receipt of a report concerning the possible abuse or neglect of a child or notification from a law enforcement agency that the law enforcement agency has received such a report, an agency which provides ~~[protective]~~ *child welfare* services shall conduct an evaluation not later than 3 days after the report or notification was received to determine whether an investigation is warranted. For the purposes of this subsection, an investigation is not warranted if:

- (a) The child is not in imminent danger of harm;
- (b) The child is not vulnerable as the result of any untreated injury, illness or other physical, mental or emotional condition that threatens his immediate health or safety;
- (c) The alleged abuse or neglect could be eliminated if the child and his family receive or participate in social or health services offered in the community, or both; or
- (d) The agency determines that the:

(1) Alleged abuse or neglect was the result of the reasonable exercise of discipline by a parent or guardian of the child involving the use of corporal punishment, including, without limitation, spanking or paddling; and

(2) Corporal punishment so administered was not so excessive as to constitute abuse or neglect as described in NRS 432B.150.

4. If the agency determines that an investigation is warranted, the agency shall initiate the investigation not later than 3 days after the evaluation is completed.

5. Except as otherwise provided in this subsection, if the agency determines that an investigation is not warranted, the agency may, as appropriate:

(a) Provide counseling, training or other services relating to child abuse and neglect to the family of the child, or refer the family to a person who has entered into an agreement with the agency to provide those services; or

(b) Conduct an assessment of the family of the child to determine what services, if any, are needed by the family and, if appropriate, provide any such services or refer the family to a person who has entered into a written agreement with the agency to make such an assessment.

If an agency determines that an investigation is not warranted for the reason set forth in paragraph (d) of subsection 3, the agency shall take no further action in regard to the matter and shall expunge all references to the matter from its records.

6. If an agency which provides ~~protective~~ *child welfare* services enters into an agreement with a person to provide services to a child or his family pursuant to subsection 5, the agency shall require the person to notify the agency if the child or his family refuse or fail to participate in the services, or if the person determines that there is a serious risk to the health or safety of the child.

7. An agency which provides ~~protective~~ *child welfare* services that determines that an investigation is not warranted may, at any time, reverse that determination and initiate an investigation.

8. An agency which provides ~~protective~~ *child welfare* services and a law enforcement agency shall cooperate in the investigation, if any, of a report of abuse or neglect of a child.

Sec. 98. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2, 5 and 6 and section 2 of Assembly Bill No. 429 of ~~this session,~~ *the 71st session of the Nevada Legislature*, data or information concerning reports and investigations

thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides ~~protective~~ *child welfare* services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(n) The persons who are the subject of a report;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency ~~{that provides protective}~~ *which provides child welfare* services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The division of parole and probation of the department of public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides ~~{protective}~~ *child welfare* services or to a law enforcement agency;

(s) The rural advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604; or

(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide ~~{protective}~~ *child welfare* services.

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of a report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

(c) Such other information as is authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides ~~[protective]~~ *child welfare* services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

6. An agency which provides ~~[protective]~~ *child welfare* services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

7. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the division of parole and probation of the department of public safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

8. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 99. NRS 432B.300 is hereby amended to read as follows:

432B.300 Except as otherwise provided in NRS 432B.260, an agency which provides ~~protective~~ *child welfare* services shall investigate each report of abuse or neglect received or referred to it to determine:

1. The composition of the family, household or facility, including the name, address, age, sex and race of each child named in the report, any siblings or other children in the same place or under the care of the same person, the persons responsible for the children's welfare and any other adult living or working in the same household or facility;

2. Whether there is reasonable cause to believe any child is abused or neglected or threatened with abuse or neglect, the nature and extent of existing or previous injuries, abuse or neglect and any evidence thereof, and the person apparently responsible;

3. If there is reasonable cause to believe that a child is abused or neglected, the immediate and long-term risk to the child if he remains in the same environment; and

4. The treatment and services which appear necessary to help prevent further abuse or neglect and to improve his environment and the ability of the person responsible for the child's welfare to care adequately for him.

Sec. 107. NRS 432B.393 is hereby amended to read as follows:

432B.393 1. Except as otherwise provided in this section, an agency which provides ~~protective~~ *child welfare* services shall make reasonable efforts to preserve and reunify the family of a child:

(a) Before the placement of the child in foster care, to prevent or eliminate the need for his removal from his home; and

(b) To make it possible for his safe return to his home.

2. In determining the reasonable efforts required by subsection 1, the health and safety of the child must be the paramount concern. The agency which provides ~~protective~~ *child welfare* services may make reasonable efforts to place the child for adoption or with a legal guardian concurrently with making the reasonable efforts required pursuant to subsection 1. If the court determines that continuation of the

reasonable efforts required by subsection 1 is inconsistent with the plan for the permanent placement of the child, the agency which provides ~~protective~~ *child welfare* services shall make reasonable efforts to place the child in a timely manner in accordance with that plan and to complete whatever actions are necessary to finalize the permanent placement of the child.

3. An agency which provides ~~protective~~ *child welfare* services is not required to make the reasonable efforts required by subsection 1 if the court finds that:

(a) A parent or other primary caretaker of the child has:

(1) Committed, aided or abetted in the commission of, or attempted, conspired or solicited to commit murder or voluntary manslaughter;

(2) Caused the abuse or neglect of the child, or of another child of the parent or primary caretaker, which resulted in substantial bodily harm to the abused or neglected child;

(3) Caused the abuse or neglect of the child, a sibling of the child or another child in the household, and the abuse or neglect was so extreme or repetitious as to indicate that any plan to return the child to his home would result in an unacceptable risk to the health or welfare of the child; or

(4) Abandoned the child for 60 or more days, and the identity of the parent of the child is unknown and cannot be ascertained through reasonable efforts;

(b) A parent of the child has, for the previous 6 months, had the ability to contact or communicate with the child and made no more than token efforts to do so;

(c) The parental rights of a parent to a sibling of the child have been terminated by a court order upon any basis other than the execution of a voluntary relinquishment of those rights by a natural parent, and the court order is not currently being appealed;

(d) The child or a sibling of the child was previously removed from his home, adjudicated to have been abused or neglected, returned to his home and subsequently removed from his home as a result of additional abuse or neglect;

(e) The child is less than 1 year of age, the father of the child is not married to the mother of the child and the father of the child:

(1) Has failed within 60 days after learning of the birth of the child, to visit the child, to commence proceedings to establish his paternity of the child or to provide financial support for the child; or

(2) Is entitled to seek custody of the child but fails to do so within 60 days after learning that the child was placed in foster care; or

(f) The child was delivered to a provider of emergency services pursuant to section 1 of Senate Bill No. 191 of ~~this session.~~ *the 71st session of the Nevada Legislature.*

4. Except as otherwise provided in subsection 6, for the purposes of this section, unless the context otherwise requires, "reasonable efforts" have been made if an agency which provides ~~protective~~ *child welfare* services to children with legal custody of a child has exercised diligence and care in arranging appropriate and available services for the child, with the health and safety of the child as its paramount concerns. The exercise of such diligence and care includes, without limitation, obtaining necessary and appropriate information concerning the child for the purposes of NRS 127.152, 127.410 and 424.038.

5. In determining whether reasonable efforts have been made pursuant to subsection 4, the court shall:

(a) Evaluate the evidence and make findings based on whether a reasonable person would conclude that reasonable efforts were made;

(b) Consider any input from the child;

(c) Consider the efforts made and the evidence presented since the previous finding of the court concerning reasonable efforts;

(d) Consider the diligence and care that the agency is legally authorized and able to exercise;

(e) Recognize and take into consideration the legal obligations of the agency to comply with any applicable laws and regulations;

(f) Base its determination on the circumstances and facts concerning the particular family or plan for the permanent placement of the child at issue;

(g) Consider whether the provisions of subsection 6 are applicable; and

(h) Consider any other matters the court deems relevant.

6. An agency which provides ~~protective~~ *child welfare* services may satisfy the requirement of making reasonable efforts pursuant to this section by taking no action concerning a child or making no effort to provide services to a child if it is reasonable, under the circumstances, to do so.

Sec. 109. NRS 432B.396 is hereby amended to read as follows:

432B.396 The division of child and family services shall:

1. Establish a panel comprised of volunteer members to evaluate the extent to which agencies which provide ~~protective~~ *child welfare* services are effectively discharging their responsibilities for the protection of children.

2. Adopt regulations to carry out the provisions of subsection 1 which must include, without limitation, the imposition of appropriate restrictions on the disclosure of information obtained by the panel and civil sanctions for the violation of those restrictions. The civil sanctions may provide for the imposition in appropriate cases of a civil penalty of not more than \$500. The division may bring an action to recover any civil penalty imposed and shall deposit any money recovered with the state treasurer for credit to the state general fund.

Sec. 113. NRS 432B.440 is hereby amended to read as follows:

432B.440 The agency which provides ~~protective~~ *child welfare* services shall assist the court during all stages of any proceeding in accordance with NRS 432B.410 to 432B.590, inclusive, and section 2 of ~~this act.~~ *Assembly Bill No. 381 of the 71st session of the Nevada Legislature.*

Sec. 116. NRS 432B.510 is hereby amended to read as follows:

432B.510 1. A petition alleging that a child is in need of protection may be signed only by:

- (a) A representative of an agency which provides ~~protective~~ *child welfare* services;
- (b) A law enforcement officer or probation officer; or
- (c) The district attorney.

2. The district attorney shall countersign every petition alleging need of protection, and shall represent the interests of the public in all proceedings. If the district attorney fails or refuses to countersign the petition, the petitioner may seek a review by the attorney general. If the attorney general determines that a petition should be filed, he shall countersign the petition and shall represent the interests of the public in all subsequent proceedings.

3. Every petition must be entitled, "In the Matter of ....., a child," and must be verified by the person who signs it.

4. Every petition must set forth specifically:

- (a) The facts which bring the child within the jurisdiction of the court as indicated in NRS 432B.410.
- (b) The name, date of birth and address of the residence of the child.

(c) The names and addresses of the residences of his parents and any other person responsible for the child's welfare, and spouse if any. If his parents or other person responsible for his welfare do not reside in this state or cannot be found within the state, or if their addresses are unknown, the petition must state the name of any known adult relative residing within the state, or if there is none, the known adult relative residing nearest to the court.

(d) Whether the child is in protective custody, and if so, the agency responsible for placing the child in protective custody and the reasons therefor.

5. When any of the facts required by subsection 4 are not known, the petition must so state.

Sec. 118. NRS 432B.540 is hereby amended to read as follows:

432B.540 1. If the court finds that the allegations of the petition are true, it shall order that a report be made in writing by an agency which provides ~~protective~~ *child welfare* services, concerning:

(a) Except as otherwise provided in paragraph (b), the conditions in the child's place of residence, the child's record in school, the mental, physical and social background of his family, its financial situation and other matters relevant to the case; or

(b) If the child was delivered to a provider of emergency services pursuant to section 1 of Senate Bill No. 191 of ~~this session,~~ *the 71st session of the Nevada Legislature*, any matters relevant to the case.

2. If the agency believes that it is necessary to remove the child from the physical custody of his parents, it must submit with the report a plan designed to achieve a placement of the child in a safe setting as near to the residence of his parent as is consistent with the best interests and special needs of the child. The plan must include:

(a) A description of the type, safety and appropriateness of the home or institution in which the child could be placed, a plan for ensuring that he would receive safe and proper care and a description of his needs;

(b) A description of the services to be provided to the child and to a parent to facilitate the return of the child to the custody of his parent or to ensure his permanent placement;

(c) The appropriateness of the services to be provided under the plan; and

(d) A description of how the order of the court will be carried out.

Sec. 119. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides ~~[protective]~~ *child welfare* services:

(a) Permit the child to remain in the temporary or permanent custody of his parents or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place him in the temporary or permanent custody of a relative or other person who the court finds suitable to receive and care for him with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(c) Place him in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services, or a private agency or institution licensed by the department of human resources *or a county whose population is 100,000 or more* to care for such a child; or

(d) Commit him to the custody of the superintendent of the northern Nevada children's home or the superintendent of the southern Nevada children's home, in accordance with chapter 423 of NRS.

In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159 of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of his rights.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative, the court may consider, among other factors, whether the child has resided with a particular relative for 3

years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides ~~protective~~ *child welfare* services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to section 1 of Senate Bill No. 191 of ~~this session~~ *the 71st session of the Nevada Legislature* and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of his parents or guardian, preference must be given to placing the child:

(a) With any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state.

(b) If practicable, together with his siblings.

Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of his home. If a child is placed with any person who resides outside of this state, the placement must be in accordance with NRS 127.330.

6. Within 60 days after the removal of a child from his home, the court shall:

(a) Determine whether:

(1) The agency which provides ~~protective~~ *child welfare* services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case;

and  
(b) Prepare an explicit statement of the facts upon which its determination is based.

Sec. 129. Section 1 of Senate Bill No. 191 of the 71st session of the Nevada Legislature is hereby amended to read as follows:

Section 1. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:

(a) When:

(1) The child is voluntarily delivered to the provider by a parent of the child; and

(2) The parent does not express an intent to return for the child; or

(b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:

(a) Whenever possible, inform the parent of the child that:

(1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child;

(2) By failing or refusing to provide an address where he can be located, the parent waives any notice of the hearing to be conducted pursuant to NRS 432B.470; and

(3) Unless the parent contacts the local agency which provides ~~protective~~ *child welfare* services, action will be taken to terminate his parental rights regarding the child.

(b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency or a law enforcement agency, the provider shall immediately cause the safe delivery of the child to a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.

(c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides ~~protective~~ *child welfare* services.

3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:

(a) Shall leave the child:

(1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or

(2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not liable for any civil damages as a result of any harm or injury sustained by a

child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.

(b) Shall be deemed to have given his consent to the performance of all necessary emergency services and care for the child.

(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:

(1) Must not be required to disclose any identifying information, but may voluntarily do so;

(2) Must be allowed to leave at any time; and

(3) Must not be pursued or followed.

4. As used in this section, "provider of emergency services" means:

(a) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

(b) A public fire-fighting agency; or

(c) A law enforcement agency.

Sec. 139. 1. This section and sections 128, **129.3, 129.5, 129.7**, 134, 136 and 140 of this act become effective upon passage and approval.

2. Sections 35 to 39, inclusive, 131, 137 and 138 of this act become effective on July 1, 2001.

3. Sections 1 to 9, inclusive, 11, 13 to 20, inclusive, 22 to ~~34,~~ **32**, inclusive, **34**, 40 to 92, inclusive, 94 to 126, inclusive, 129, 130, 132, 133 and 135 of this act become effective on October 1, 2001.

4. Sections 10, 21, **33** and 93 of this act become effective at 12:01 a.m. on October 1, 2001.

5. Section 12 of this act becomes effective at 12:02 a.m. on October 1, 2001.

6. Section 126 of this act expires by limitation on January 1, 2005.

7. Sections 35 to 39, inclusive, ~~122~~ and 131 of this act expire by limitation on June 30, 2005.

8. Section 127 of this act becomes effective on July 1, 2005.

2. Chapter 1, Statutes of Nevada 2001 Special Session, at page 57, is hereby amended by adding thereto new sections to be designated as sections 129.3, 129.5 and 129.7, immediately following section 129, to read as follows:

Sec. 129.3. Sections 4, 6 and 15 of chapter 361, Statutes of Nevada 2001, at pages 1700, 1701 and 1708, respectively, are hereby amended to read respectively as follows:

Sec. 4. NRS 432B.190 is hereby amended to read as follows:

432B.190 The division of child and family services shall adopt:

1. Regulations establishing reasonable and uniform standards for:

- (a) Protective services provided in this state;
- (b) Programs for the prevention of abuse or neglect of a child;
- (c) The development of local councils involving public and private organizations;
- (d) Reports of abuse or neglect, records of these reports and the response to these reports;
- (e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide protective services enter into agreements to provide services to children and families;
- (f) The management and assessment of reported cases of abuse or neglect;
- (g) The protection of the legal rights of parents and children;
- (h) Emergency shelter for a child;
- (i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;
- (j) Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395;
- (k) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that sets forth the procedures for taking a child for placement in protective custody and the legal rights of persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, ~~and~~ section 2 of ~~this act~~ *Assembly Bill No. 248 of this session and sections 2 and 3 of this act*, during all stages of the proceeding; and
- (l) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child; and

2. Such other regulations as are necessary for the administration of NRS 432B.010 to 432B.606, inclusive, and section 2 of ~~[this act.]~~ *Assembly Bill No. 248 of this session.*

Sec. 6. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2, 5 and 6 ~~[ ]~~ *and section 2 of this act*, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides

protective services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the *child and an attorney of a parent or guardian of the* child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(n) The persons who are the subject of a report;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides protective services or to a law enforcement agency;

(s) The rural advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604; or

(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide protective services.

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of a report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

(c) Such other information as is authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides protective services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

6. An agency which provides protective services shall disclose the identity of a person who makes a report

or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

7. Any person, except for:

- (a) The subject of a report;
- (b) A district attorney or other law enforcement officer initiating legal proceedings; or
- (c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

8. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 15. *1.* This *section and sections 1, 2, 3, 5 and 7 to 14, inclusive, of this act* ~~[becomes]~~ *become* effective on July 1, 2001.

*2. Section 4 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

*3. Section 6 of this act becomes effective at 12:04 a.m. on July 1, 2001.*

Sec. 129.5. Section 17 of chapter 381, Statutes of Nevada 2001, at page 1850, is hereby amended to read as follows:

Sec. 17. Section 5 of chapter 557, Statutes of Nevada 1999, *as amended by section 112 of chapter 10, Statutes of Nevada 2001*, at page ~~[2912,]~~ *212*, is hereby amended to read as follows:

Sec. 5. ~~[1.]~~ This section and sections 1 and 3 of this act become effective upon passage and approval.

~~[2.— Sections 2 and 4 of this act become effective at 12:01 a.m. on July 1, 2001.—~~

~~—3.— Section 1 of this act expires by limitation on June 30, 2001.—~~

Sec. 129.7. Sections 162 and 241 of chapter 520, Statutes of Nevada 2001, at pages 2612 and 2644, respectively, are hereby amended to read respectively as follows:

Sec. 162. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2, 5 and 6 and section 2 of ~~[this act.]~~ *Assembly Bill No. 429 of this session*, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A person or an organization that has entered into a written agreement with an agency which provides

protective services to provide assessments or services and that has been trained to make such assessments or provide such services;

(k) A team organized pursuant to NRS 432B.350 for the protection of a child;

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

(m) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(n) The persons who are the subject of a report;

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The division of parole and probation of the department of ~~motor vehicles and~~ public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides protective services or to a law enforcement agency;

(s) The rural advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604; or

(t) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide protective services.

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations

thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of a report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

(c) Such other information as is authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides protective services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning a report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

6. An agency which provides protective services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and

determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

7. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the division of parole and probation of the department of ~~motor vehicles and~~ public safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151,

who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

8. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 241. 1. This section and sections 1 to 41, inclusive, 43 to 54, inclusive, 56, 57, 59 to 90, inclusive, 92 to **161, inclusive, 163 to** 223, inclusive, 227 to 240, inclusive, and 242 of this act become effective upon passage and approval for the purpose of authorizing any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on July 1, 2001, for all other purposes.

2. Sections 55, 58, 225 and 226 of this act become effective at 12:01 a.m. on July 1, 2001.

3. **Section 162 of this act becomes effective at 12:05 a.m. on July 1, 2001.**

4. Sections 42 and 224 of this act become effective on January 1, 2002.

**Sec. 104.** 1. Section 5 of chapter 2, Statutes of Nevada 2001 Special Session, at page 65, is hereby amended to read as follows:

Sec. 5. **1. This section and section 3.5 of this act become effective on June 30, 2001.**

**2. Sections 1, 2, 3 and 4 of this act ~~becomes~~ become** effective on July 1, 2001.

2. Chapter 2, Statutes of Nevada 2001 Special Session, at page 65, is hereby amended by adding thereto a new section to be designated as section 3.5, immediately following section 3, to read as follows:

Sec. 3.5. Section 1 of chapter 307, Statutes of Nevada 2001, at page 1438, is hereby repealed.

**Sec. 105.** Section 87 of chapter 4, Statutes of Nevada 2001 Special Session, at page 97, is hereby amended to read as follows:

Sec. 87. NRS 287.046 is hereby amended to read as follows:

287.046 1. Except as otherwise provided in subsection 6, any state or other participating officer or employee who elects to participate in the program may participate, and the department, agency, commission or public agency that employs the officer or employee shall pay the state's share of the cost of the premiums or contributions for the program from money appropriated or authorized as provided in NRS 287.044. Employees who elect to participate in the program must authorize deductions from their compensation for the payment of premiums or contributions for the program. Any deduction from the compensation of an employee for the payment of a premium for health insurance must be based on the actual cost of providing that health insurance after deducting any amount of the premium which is paid by the department, agency, commission or public agency that employs the employee. As used in this subsection, "actual cost" includes any amount which has been approved by the board and which is paid by any department, agency, commission or public agency of this state for:

- (a) A program of supplemental insurance;
- (b) Subsidization of premiums for health insurance for dependents and retired participants;
- (c) Administrative costs relating to the provision of the health insurance; and
- (d) Costs required to maintain adequate reserves.

2. The department of personnel shall pay a percentage of the base amount provided by law for that fiscal year toward the cost of the premiums or contributions for the program for persons retired from the service of the state who have continued to participate in the program. Except as otherwise provided in subsection 3, the percentage to be paid must be calculated as follows:

- (a) For those persons who retire before January 1, 1994, 100 percent of the base amount provided by law for that fiscal year.
- (b) For those persons who retire on or after January 1, 1994, with at least 5 years of state service, 25 percent plus an additional 7.5 percent for each year of service in excess of 5 years to a maximum of 137.5 percent, excluding service purchased pursuant to NRS 286.300 ~~§~~ *or section 26 of this act*, of the base amount provided by law for that fiscal year.

3. If the amount calculated pursuant to subsection 2 exceeds the actual premium or contribution for the plan of the program that the retired participant selects, the balance must be credited to the fund for the public employees' benefits program created pursuant to NRS 287.0435.

4. For the purposes of subsection 2:

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of service.

5. The department shall agree through the board with the insurer for billing of remaining premiums or contributions for the retired participant and his dependents to the retired participant and to his dependents who elect to continue coverage under the program after his death.

6. A senator or assemblyman who elects to participate in the program shall pay the entire premium or contribution for his insurance.

**Sec. 106.** 1. Sections 2 to 5, inclusive, 10 and 11 of chapter 7, Statutes of Nevada 2001 Special Session, at pages 109, 112, 115, 118 and 121, are hereby amended to read respectively as follows:

Sec. 2. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local

governments and special districts within the county for the fiscal year immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of:*

*(I) Twenty-five percent of the amount allocated pursuant to NRS 360.680 multiplied by ~~one plus~~ the sum of the ~~[-~~*

~~(I) Percentage} average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285 , except as otherwise provided in subsection 6 ~~[-~~ and-~~

~~(II) Average} , and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and~~

*(II) Seventy-five percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the sum of the average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285, except as otherwise provided in subsection 6, and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS*

***361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and***

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of:*

*(I) Twenty-five percent of the amount allocated pursuant to NRS 360.680 multiplied by ~~one plus~~ the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and*

*(II) Seventy-five percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and*

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which

the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) Except as otherwise provided in paragraph (c), if the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both

the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

(c) If a local government files a formal appeal with the Bureau of the Census of the United States Department of Commerce concerning the population total of the local government issued by the Bureau of the Census, be calculated using the population total certified by the governor pursuant to NRS 360.285 until the appeal is resolved. If additional money is allocated to the local government because the population total certified by the governor is greater than the population total issued by the Bureau of the Census, the state treasurer shall deposit that additional money in a separate interest-bearing account. Upon resolution of the appeal, if the population total finally determined pursuant to the appeal is:

(1) Equal to or less than the population total initially issued by the Bureau of the Census, the state treasurer shall transfer the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, to the local government tax distribution account for allocation among the local governments in the county pursuant to subsection 4.

(2) Greater than the population total initially issued by the Bureau of the Census, the executive director shall calculate the amount that would have been allocated to the local government pursuant to subsection 4 if the population total finally determined pursuant to the appeal had been used and the state treasurer shall remit to the local government an amount equal to the difference between the amount actually distributed and the amount calculated pursuant to this subparagraph or the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, whichever is less.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local

government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.

Sec. 3. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of:*

(I) *Fifty percent of* the amount allocated pursuant to NRS 360.680 *multiplied by* ~~{one plus}~~ the sum of the ~~{-~~

~~(I) Percentage}~~ *average percentage of* change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made *and the 4 fiscal years immediately preceding the year in which the allocation is* made, as certified by the governor pursuant to NRS 360.285 , except as otherwise provided in subsection 6 ~~{; and-~~

~~(II) Average}~~ , *and the average* percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

*(II) Fifty percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the sum of the average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285, except as otherwise provided in subsection 6, and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and*

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of:*

*(I) Fifty percent of* the amount allocated pursuant to NRS 360.680 *multiplied by* ~~{one plus}~~ the average change

in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

*(II) Fifty percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and*

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local

governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) Except as otherwise provided in paragraph (c), if the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

(c) If a local government files a formal appeal with the Bureau of the Census of the United States Department of Commerce concerning the population total of the local government issued by the Bureau of the Census, be calculated using the population total certified by the governor pursuant to NRS 360.285 until the appeal is resolved. If additional money is allocated to the local government because the population total certified by the governor is greater than the population total issued by the Bureau of the Census, the state treasurer shall deposit that additional money in a separate

interest-bearing account. Upon resolution of the appeal, if the population total finally determined pursuant to the appeal is:

(1) Equal to or less than the population total initially issued by the Bureau of the Census, the state treasurer shall transfer the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, to the local government tax distribution account for allocation among the local governments in the county pursuant to subsection 4.

(2) Greater than the population total initially issued by the Bureau of the Census, the executive director shall calculate the amount that would have been allocated to the local government pursuant to subsection 4 if the population total finally determined pursuant to the appeal had been used and the state treasurer shall remit to the local government an amount equal to the difference between the amount actually distributed and the amount calculated pursuant to this subparagraph or the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, whichever is less.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.

Sec. 4. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise

district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of:*

*(I) Seventy-five percent of* the amount allocated pursuant to NRS 360.680 *multiplied* by ~~{one plus}~~ the sum of the ~~{-~~

~~(I) Percentage} average percentage of~~ change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is *made and the 4 fiscal years immediately preceding the year in which the allocation is* made, as certified by the governor pursuant to NRS 360.285 , except as otherwise provided in subsection 6 ~~{; and-~~

~~(II) Average} , and the average~~ percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to

a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

*(II) Twenty-five percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the sum of the average percentage of change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is made and the 4 fiscal years immediately preceding the year in which the allocation is made, as certified by the governor pursuant to NRS 360.285, except as otherwise provided in subsection 6, and the average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and*

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of *the sum of:*

*(I) Seventy-five percent of the amount allocated pursuant to NRS 360.680 multiplied by ~~one plus~~ the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and*

*(II) Twenty-five percent of the amount allocated pursuant to NRS 360.680 multiplied by one plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal*

*years immediately preceding the year in which the allocation is made; and*

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each

local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) Except as otherwise provided in paragraph (c), if the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

(c) If a local government files a formal appeal with the Bureau of the Census of the United States Department of Commerce concerning the population total of the local government issued by the Bureau of the Census, be calculated using the population total certified by the governor pursuant to NRS 360.285 until the appeal is resolved. If additional money is allocated to the local government because the population total certified by the governor is greater than the population total issued by the Bureau of the Census, the state treasurer shall deposit that additional money in a separate interest-bearing account. Upon resolution of the appeal, if the population total finally determined pursuant to the appeal is:

(1) Equal to or less than the population total initially issued by the Bureau of the Census, the state treasurer shall transfer the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, to the local government tax distribution account for allocation among the local governments in the county pursuant to subsection 4.

(2) Greater than the population total initially issued by the Bureau of the Census, the executive director shall calculate the amount that would have been allocated to the local government pursuant to subsection 4 if the population total finally determined pursuant to the appeal had been used

and the state treasurer shall remit to the local government an amount equal to the difference between the amount actually distributed and the amount calculated pursuant to this subparagraph or the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, whichever is less.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.

Sec. 5. NRS 360.690 is hereby amended to read as follows:

360.690 1. Except as otherwise provided in NRS 360.730, the executive director shall estimate monthly the amount each local government, special district and enterprise district will receive from the account pursuant to the provisions of this section.

2. The executive director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12 and the state treasurer shall, except as otherwise provided in subsections 3, 4 and 5, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the executive director determines there is not sufficient money available in the county's subaccount in the account to allocate to each local government and special district the base monthly allocation determined

pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to the percentage of the amount that the local government or special district received from the total amount which was distributed to all local governments and special districts within the county for the fiscal year immediately preceding the year in which the allocation is made. The state treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsection 5, if the executive director determines that there is money remaining in the county's subaccount in the account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by ~~one plus~~ the sum of the:

(I) ~~Percentage~~ *Average percentage of* change in the population of the local government for the fiscal year immediately preceding the year in which the allocation is *made and the 4 fiscal years immediately preceding the year in which the allocation is* made, as certified by the governor pursuant to NRS 360.285 except as otherwise provided in subsection 6; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected by the department pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by ~~one plus~~ the average change in

the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the 5 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

The state treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. The executive director shall not allocate any amount to a local government or special district pursuant to subsection 4, unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the executive director determines there is money remaining in the county's subaccount in the account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the account to determine which amount is greater.

If the executive director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in

the account pursuant to the provisions of subsection 3. If the executive director determines that the amount of money remaining in the county's subaccount in the account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the state treasurer shall remit that money so allocated. The executive director shall allocate any additional money in the county's subaccount in the account pursuant to the provisions of subsection 4.

6. The percentage change calculated pursuant to paragraph (a) of subsection 4 must:

(a) Except as otherwise provided in paragraph (c), if the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

(c) If a local government files a formal appeal with the Bureau of the Census of the United States Department of Commerce concerning the population total of the local government issued by the Bureau of the Census, be calculated using the population total certified by the governor pursuant to NRS 360.285 until the appeal is resolved. If additional money is allocated to the local government because the population total certified by the governor is greater than the population total issued by the Bureau of the Census, the state treasurer shall deposit that additional money in a separate interest-bearing account. Upon resolution of the appeal, if the population total finally determined pursuant to the appeal is:

(1) Equal to or less than the population total initially issued by the Bureau of the Census, the state treasurer shall transfer the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, to the local government tax distribution account for allocation among the local governments in the county pursuant to subsection 4.

(2) Greater than the population total initially issued by the Bureau of the Census, the executive director shall calculate the amount that would have been allocated to the local government pursuant to subsection 4 if the population total finally determined pursuant to the appeal had been used and the state treasurer shall remit to the local government an amount equal to the difference between the amount actually distributed and the amount calculated pursuant to this subparagraph or the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, whichever is less.

7. On or before February 15 of each year, the executive director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the account for that fiscal year.

8. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from each tax included in the account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

9. A local government, special district or enterprise district may use the estimate provided by the executive director pursuant to subsection 8 in the preparation of its budget.

Sec. 10. Section 83 of Senate Bill No. 425 of the 71st session of the Nevada Legislature ~~is~~ *and section 5 of chapter 338, Statutes of Nevada 2001, at page 1605, are hereby repealed.*

Sec. 11. 1. This section and sections *6, 6.5, 7, 9 and 10* of this act become effective upon passage and approval.

2. Sections 1 ~~1, 2, 6,~~ and 8 of this act become effective on July 1, 2001.

3. Section 2 of this act *becomes effective at 12:01 a.m. on July 1, 2001, and* expires by limitation on June 30, 2002.

4. Section 3 of this act becomes effective on July 1, 2002, and expires by limitation on June 30, 2003.

5. Section 4 of this act becomes effective on July 1, 2003, and expires by limitation on June 30, 2004.

6. Section 5 of this act becomes effective on July 1, 2004.

2. Chapter 7, Statutes of Nevada 2001 Special Session, at page 120, is hereby amended by adding thereto a new section to be designated as section 6.5, immediately following section 6, to read as follows:

Sec. 6.5. Section 6 of chapter 338, Statutes of Nevada 2001, at page 1605, is hereby amended to read as follows:

Sec. 6. 1. This section and sections 3 ~~[, 4 and 5]~~ **and 4** of this act become effective on July 1, 2001.

2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 2001.

3. Sections 1, 3 ~~[, 4 and 5]~~ **and 4** of this act expire by limitation on July 1, 2005.

4. Section 2 of this act becomes effective at 12:01 a.m. on July 1, 2005.

**Sec. 107.** 1. Sections 29, 30, 31, 45, 53 and 54 of chapter 8, Statutes of Nevada 2001 Special Session, at pages 143, 144, 157 and 163, are hereby amended to read respectively as follows:

Sec. 29. NRS 459.735 is hereby amended to read as follows:

459.735 1. The contingency account for hazardous materials is hereby created in the state general fund.

2. The commission shall administer the contingency account for hazardous materials, and the money in the account may be expended only for:

(a) Carrying out the provisions of NRS 459.735 to 459.773, inclusive;

(b) Carrying out the provisions of ~~[Public Law 99-499 and Title I of Public Law 93-633]~~ **42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et seq.;**

(c) Maintaining and supporting the operations of the commission and local emergency planning committees;

(d) Training and equipping state and local personnel to respond to accidents and incidents involving hazardous materials; and

(e) The operation of training programs and a training center for handling emergencies relating to hazardous materials and related fires pursuant to NRS 477.045.

3. All money received by this state ~~[as a result of Public Law 99-499 or Title I of Public Law 93-633]~~ **pursuant to 42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq.** must be deposited with the state treasurer to the credit of the contingency account for hazardous materials. In addition, all money received by the commission from any source must be deposited with the state treasurer to the credit of the

contingency account for hazardous materials. The state controller shall transfer from the contingency account to the operating account of the state fire marshal such money collected pursuant to chapter 477 of NRS as is authorized for expenditure in the budget of the state fire marshal for use pursuant to paragraph (e) of subsection 2.

4. Upon the presentation of budgets in the manner required by law, money to support the operation of the commission pursuant to this chapter, other than its provision of grants, must be provided by direct legislative appropriation ~~for authorization~~ from the state highway fund *or other legislative authorization* to the contingency account for hazardous materials.

5. The interest and income earned on the money in the contingency account for hazardous materials, after deducting any applicable charges, must be credited to the account.

6. All claims against the contingency account for hazardous materials must be paid as other claims against the state are paid.

Sec. 30. NRS 481.083 is hereby amended to read as follows:

481.083 1. Except for the operation of the investigation division, the division of emergency management, the state fire marshal division, the division of parole and probation, and the capitol police division of the department, money for the administration of the provisions of this chapter must be provided by direct legislative appropriation ~~for authorization~~ from the state highway fund *or other legislative authorization* upon the presentation of budgets in the manner required by law.

2. All money provided for the support of the department and its various divisions must be paid out on claims approved by the director in the same manner as other claims against the state are paid.

Sec. 31. NRS 482.180 is hereby amended to read as follows:

482.180 1. The motor vehicle fund is hereby created as an agency fund. Except as otherwise provided in subsection 4 or by a specific statute, all money received or collected by the department must be deposited in the state treasury for credit to the motor vehicle fund.

2. The interest and income on the money in the motor vehicle fund, after deducting any applicable charges, must be credited to the state highway fund.

3. Any check accepted by the department in payment of vehicle privilege tax or any other fee required to be collected

pursuant to this chapter must, if it is dishonored upon presentation for payment, be charged back against the motor vehicle fund or the county to which the payment was credited ~~[.] pursuant to this section or NRS 482.181,~~ in the proper proportion.

4. ~~[All]~~ *Except as otherwise provided in subsection 6, all* money received or collected by the department for the basic vehicle privilege tax must be ~~[deposited in the local government tax distribution account, created by NRS 360.660, for credit to the county for which it was collected.]~~ *distributed in the manner set forth in NRS 482.181.*

5. Money for the administration of the provisions of this chapter must be provided by direct legislative appropriation ~~[or authorization]~~ from the state highway fund ~~[.] or other legislative authorization,~~ upon the presentation of budgets in the manner required by law. Out of the appropriation or authorization, the department shall pay every item of expense.

6. ~~[The privilege tax collected on vehicles subject to the provisions of chapter 706 of NRS and engaged in interstate or intercounty operation must be distributed among the counties in the following percentages:~~

|                              |                             |
|------------------------------|-----------------------------|
| Carson City ... 1.07 percent | Lincoln ..... 3.12 percent  |
| Churchill ..... 5.21 percent | Lyon ..... 2.90 percent     |
| Clark ..... 22.54 percent    | Mineral ..... 2.40 percent  |
| Douglas ..... 2.52 percent   | Nye ..... 4.09 percent      |
| Elko ..... 13.31 percent     | Pershing ..... 7.00 percent |
| Esmeralda ..... 2.52 percent | Storey ..... .19 percent    |
| Eureka ..... 3.10 percent    | Washoe ..... 12.24 percent  |
| Humboldt ..... 8.25 percent  | White Pine .5.66 percent    |
| Lander ..... 3.88 percent    |                             |

~~The distributions must be allocated among local governments within the respective counties pursuant to the provisions of NRS 482.181.~~

~~—7.]~~ The department shall withhold 6 percent from the amount of privilege tax collected by the department as a commission. From the amount of privilege tax collected by a county assessor, the state controller shall credit 1 percent to the department as a commission and remit 5 percent to the county for credit to its general fund as commission for the services of the county assessor.

~~[8.]~~ *All money withheld by or credited to the department pursuant to this subsection must be used only for the administration of this chapter as authorized by the legislature pursuant to subsection 5.*

7. When the requirements of this section and NRS 482.181 have been met, and when directed by the department, the state controller shall transfer monthly to the state highway fund any balance in the motor vehicle fund.

~~9.1~~ 8. If a statute requires that any money in the motor vehicle fund be transferred to another fund or account, the department shall direct the controller to transfer the money in accordance with the statute.

Sec. 45. Assembly Bill No. 574 of the 71st session of the Nevada Legislature is hereby amended by adding thereto a new section to read as follows:

Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on October 1, 2001.

3. *Section 1 of this act expires by limitation on June 30, 2003.*

Sec. 53. NRS 488.407 ~~is~~ and section 7 of chapter 185, Statutes of Nevada 2001, at page 903, are hereby repealed.

Sec. 54. 1. This act becomes effective upon passage and approval.

2. *Section 37 of this act expires by limitation upon the expiration by limitation of sections 1 and 2 of chapter 480, Statutes of Nevada 1987.*

2. Chapter 8, Statutes of Nevada 2001 Special Session, at page 163, is hereby amended by adding thereto new sections to be designated as sections 52.2, 52.4, 52.6 and 52.8, immediately following section 52, to read respectively as follows:

Sec. 52.2. Section 1 of chapter 390, Statutes of Nevada 2001, at page 1884, is hereby amended to read as follows:

Section 1. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. ~~A~~ *Unless a greater penalty is provided pursuant to NRS 484.3795, a* person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.37937, the court shall:

(1) Except as otherwise provided in *subparagraph (4) or* subsection 6, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the department and complete the course within the time specified in the order, and the court shall notify the department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.37937, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379; ~~and~~

(3) Fine him not less than \$400 nor more than \$1,000 ~~;~~ **and**

***(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.***

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court:

(1) Shall sentence him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Shall fine him not less than \$750 nor more than \$1,000;

(3) Shall order him to perform not less than 100 hours, but not more than 200 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379, unless the court finds that extenuating circumstances exist; and

(4) May order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this ~~paragraph~~ ***subsection*** is guilty of a misdemeanor.

(c) For a third or subsequent offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as

practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A person convicted of violating the provisions of NRS 484.379 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

4. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

6. If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State

of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) ~~for (b)~~ of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the department within the time specified in the order, and the court shall notify the department if the person fails to complete the assigned course within the specified time.

7. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

8. As used in this section, unless the context otherwise requires : ~~[-“offense” means:]~~

(a) *“Concentration of alcohol of 0.18 or more in his blood or breath” means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.*

(b) *“Offense” means:*

(1) A violation of NRS 484.379 or 484.3795;

~~(b)~~ (2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795; or

~~(e)~~ (3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 52.4. Section 1 of chapter 483, Statutes of Nevada 2001, at page 2392, is hereby amended to read as follows:

Section 1. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Unless a greater penalty is provided pursuant to NRS 484.3795, a person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.37937, the court shall:

(1) Except as otherwise provided in subparagraph (4) or subsection 6, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the department and complete the course within the time specified in the order, and the court shall notify the department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.37937, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379;

(3) Fine him not less than \$400 nor more than \$1,000; and

(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court ~~is~~:

~~(1) Shall sentence~~ **shall**:

**(1) Sentence** him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) ~~Shall fine~~ **Fine** him not less than \$750 nor more than \$1,000;

(3) ~~Shall order~~ **Order** him to perform not less than 100 hours, but not more than 200 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379, unless the court finds that extenuating circumstances exist; and

(4) ~~May order~~ **Order** him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this subsection is guilty of a misdemeanor.

(c) For a third or subsequent offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A person convicted of violating the provisions of NRS 484.379 must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

4. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of

revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

5. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

6. If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the department within the time specified in the order, and the court shall notify the department if the person fails to complete the assigned course within the specified time.

7. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

8. As used in this section, unless the context otherwise requires:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Offense" means:

(1) A violation of NRS 484.379 or 484.3795;

(2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379 or 484.3795; or

(3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 52.6. Chapter 483, Statutes of Nevada 2001, at page 2395, is hereby amended by adding thereto a new section to be designated as section 4, immediately following section 3, to read as follows:

Sec. 4. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 2001.

Sec. 52.8. Section 52 of chapter 520, Statutes of Nevada 2001, at page 2547, is hereby amended to read as follows:

Sec. 52. NRS 481.083 is hereby amended to read as follows:

481.083 1. ~~{Except for the operation of the investigation division, the division of emergency management, the state fire marshal division, the division of parole and probation, and the capitol police division of the department, money}~~ **Money** for the administration of the provisions of this chapter must be provided by direct legislative appropriation from the state highway fund or other legislative authorization upon the presentation of budgets in the manner required by law.

2. All money provided for the support of the department and its various divisions must be paid out on claims approved by the director in the same manner as other claims against the state are paid.

**Sec. 108.** 1. Sections 2, 24 and 43 of chapter 13, Statutes of Nevada 2001 Special Session, at pages 173, 184 and 191, respectively, are hereby amended to read respectively as follows:

Sec. 2. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 8, 10 and 11.

(b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to section 2 of Assembly Bill No. 214 of ~~[this session]~~ *the 71st session of the Nevada Legislature* by the department and with the plan adopted pursuant to section 4 of Assembly Bill No. 214 of ~~[this session]~~ *the 71st session of the Nevada Legislature* by the board of trustees of the school district in which the examinations are administered. The department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the department.

(e) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If a pupil with a disability is unable to take an examination created by a private entity under regular testing conditions or with modifications and accommodations that are approved by the private entity, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. If a pupil with a disability is unable to take an examination created by the department under regular testing conditions or with modifications and accommodations that are approved by the department, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. The results of an examination that is taken under conditions that are not approved by a private entity or the department, as applicable, must not be reported pursuant to subsection 2 of NRS 389.017. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board. During the administration of the high school proficiency examination, a pupil with a disability may be given additional time to complete the examination if the additional time is a modification or accommodation that is approved in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating need for improvement pursuant to subsection 1 of NRS 385.367, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not

be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. *The high school proficiency examination must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company.* The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the executive or legislative branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

8. The state board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the modifications and accommodations that may be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions or with modifications and accommodations that are approved by the private entity that created the examination or, if the department created the

examination, by the department. These regulations may include, without limitation, authorizing a pupil to complete an examination with additional time.

Sec. 24. NRS 391.170 is hereby amended to read as follows:

391.170 1. Except as otherwise provided in subsection 2, a teacher or other employee for whom a license is required is not entitled to receive any portion of public money for schools as compensation for services rendered unless:

(a) He is legally employed by the board of trustees of the school district or the governing body of the charter school in which he is teaching or performing other educational functions.

(b) He has a license authorizing him to teach or perform other educational functions at the level and , *except as otherwise provided in section 4 of this act*, in the field for which he is employed, issued in accordance with law and in full force at the time the services are rendered.

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school for whom a license is not required pursuant to the provisions of NRS 386.590.

Sec. 43. 1. This section and sections 3, 5 to 19, inclusive, *30.5* and 33 to 37, inclusive, of this act become effective upon passage and approval.

2. Sections 4, 20, 21, 22, ~~24~~ *25* to 28, inclusive, 30, 31, 32 and 38 to 42, inclusive, of this act become effective on July 1, 2001.

3. Sections 1 , ~~and~~ *23 and 24* of this act become effective at 12:01 a.m. on July 1, 2001.

4. Sections 2 and 29 of this act become effective at 12:02 a.m. on July 1, 2001.

2. Chapter 13, Statutes of Nevada 2001 Special Session, at page 188, is hereby amended by adding thereto a new section to be designated as section 30.5, immediately following section 30, to read as follows:

Sec. 30.5. Section 14 of chapter 317, Statutes of Nevada 2001, at page 1487, is hereby amended to read as follows:

Sec. 14. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the

board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 8, 10 and 11.

(b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to section 2 of ~~[this act]~~ *Assembly Bill No. 214 of this session* by the department and with the plan adopted pursuant to section 4 of ~~[this act]~~ *Assembly Bill No. 214 of this session* by the board of trustees of the school district in which the examinations are administered. The department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the department.

(e) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each

school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If a pupil with a disability is unable to take an examination created by a private entity under regular testing conditions or with modifications and accommodations that are approved by the private entity, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. If a pupil with a disability is unable to take an examination created by the department under regular testing conditions or with modifications and accommodations that are approved by the department, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. The results of an examination that is taken under conditions that are not approved by a private entity or the department, as applicable, must not be reported pursuant to subsection 2 of NRS 389.017. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities

Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board. During the administration of the high school proficiency examination, a pupil with a disability may be given additional time to complete the examination if the additional time is a modification or accommodation that is approved in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating need for improvement pursuant to *subsection 1 of* NRS 385.367, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the executive or legislative branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

8. The state board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the modifications and accommodations that may be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions or with modifications and accommodations that are approved by the private entity that created the examination or, if the department created the examination, by the department. These regulations may include, without limitation, authorizing a pupil to complete an examination with additional time.

**Sec. 109.** 1. Sections 15, 17, 30, 52, 77, 78, 81, 85, 90, 92, 93, 94, 96, 100, 104, 105, 106, 115, 118 and 120 of chapter 14, Statutes of Nevada 2001 Special Session, at pages 195, 196, 201, 215, 226, 227, 230, 233, 236, 237, 239, 241, 243, 244, 249 and 251, are hereby amended to read respectively as follows:

Sec. 15. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the director shall assign an offender to the custody of the division of parole and probation of the department of public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term of his sentence if:

(a) The offender has:

(1) Established a position of employment in the community;

(2) Enrolled in a program for education or rehabilitation; or

(3) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime;

(b) The offender has successfully completed the initial period of treatment required under the program of treatment established pursuant to NRS 209.425; and

(c) The director believes that the offender will be able to:

(1) Comply with the terms and conditions required under residential confinement; and

(2) Complete successfully the remainder of the program of treatment while under residential confinement.

If an offender assigned to the program of treatment pursuant to NRS 209.427 completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before this refusal, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the division of parole and probation a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department . ~~{of prisons.}~~

(b) The offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as

he considers proper. The decision of the director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department, ~~{of prisons,}~~ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department. ~~{of prisons.}~~

5. A person does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the division of parole and probation to serve a term of residential confinement unless the director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

Sec. 17. (Deleted by amendment).

Sec. 30. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The board shall not release on parole a prisoner convicted of an offense listed in subsection 5 unless a panel consisting of:

(a) The administrator of the division of mental health and developmental services of the department of human resources or his designee;

(b) The director of the department of ~~{prisons}~~ *corrections* or his designee; and

(c) A psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state, certifies that the prisoner was under observation while confined in an institution of the department of ~~{prisons}~~ *corrections* and is not a menace to the health, safety or morals of others.

2. A prisoner who has been certified pursuant to subsection 1 and who returns for any reason to the custody of the department of ~~[prisons]~~ *corrections* may not be paroled unless a panel recertifies him in the manner set forth in subsection 1.

3. The panel may revoke the certification of a prisoner certified pursuant to subsection 1 at any time.

4. This section does not create a right in any prisoner to be certified or continue to be certified. No prisoner may bring a cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees for not certifying or refusing to place a prisoner before a panel for certification pursuant to this section.

5. The provisions of this section apply to a prisoner convicted of any of the following offenses:

- (a) Sexual assault pursuant to NRS 200.366.
- (b) Statutory sexual seduction pursuant to NRS 200.368.
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400.
- (d) Abuse or neglect of a child pursuant to NRS 200.508.
- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
- (f) Incest pursuant to NRS 201.180.
- (g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
- (h) Open or gross lewdness pursuant to NRS 201.210.
- (i) Indecent or obscene exposure pursuant to NRS 201.220.
- (j) Lewdness with a child pursuant to NRS 201.230.
- (k) Sexual penetration of a dead human body pursuant to NRS 201.450.
- (l) Luring a child using a computer, system or network pursuant to section 4 of ~~[this act,]~~ *Senate Bill No. 551 of the 71st session of the Nevada Legislature*, if punished as a felony.
- (m) An attempt to commit an offense listed in paragraphs (a) to (m), inclusive.
- (n) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 52. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

- (a) The name, social security number, date of birth and any other information identifying the defendant be submitted

to the central repository for Nevada records of criminal history; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the department of ~~prisons,~~ *corrections*, the department of ~~prisons,~~ *corrections* shall arrange for the biological specimen to be obtained from the defendant. The department of ~~prisons,~~ *corrections* shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the department of ~~prisons,~~ *corrections*, the division shall arrange for the biological specimen to be obtained from the defendant. The division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. The provisions of subsection 1 apply to a defendant who is convicted of:

- (a) A crime against a child as defined in NRS 179D.210;
- (b) A sexual offense as defined in NRS 179D.410;
- (c) Murder, manslaughter or any other unlawful killing pursuant to NRS 200.010 to 200.260, inclusive;
- (d) Mayhem pursuant to NRS 200.280;
- (e) Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390;
- (f) Battery with intent to commit a crime pursuant to NRS 200.400;
- (g) Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm pursuant to NRS 200.481;
- (h) Abuse or neglect of an older person pursuant to NRS 200.5099;
- (i) A second or subsequent offense for stalking pursuant to NRS 200.575;
- (j) Burglary pursuant to NRS 205.060;

- (k) Invasion of the home pursuant to NRS 205.067;
- (l) Kidnapping pursuant to NRS 200.310 to 200.340, inclusive; or
- (m) An attempt or conspiracy to commit an offense listed in this subsection.

Sec. 77. NRS 179D.230 is hereby amended to read as follows:

179D.230 1. If the central repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, the central repository shall:

(a) If a record of registration has not previously been established for the offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the offender, update the record of registration for the offender and notify the appropriate local law enforcement ~~agency~~ *agencies*.

2. If the offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the central repository shall immediately provide notification concerning the offender to the appropriate local law enforcement agencies and, if the offender resides in a jurisdiction which is outside of this state, to the appropriate law enforcement agency in that jurisdiction.

3. If an offender is incarcerated or confined and has previously been convicted of a crime against a child, before the offender is released:

(a) The department of ~~prisons~~ *corrections* or a local law enforcement agency in whose facility the offender is incarcerated or confined shall:

(1) Inform the offender of the requirements for registration, including, but not limited to:

(I) The duty to register in this state during any period in which he is a resident of this state or a nonresident who is a student or worker within this state and the time within which he is required to register pursuant to NRS 179D.240;

(II) The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(III) If he moves from this state to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction; and

(IV) The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he most recently resided, in person or in writing, if he changes the address at which he resides, including if he moves from this state to another jurisdiction, or changes the primary address at which he is a student or worker; and

(2) Require the offender to read and sign a form confirming that the requirements for registration have been explained to him and to forward the form to the central repository.

(b) The central repository shall:

(1) Update the record of registration for the offender; and

(2) Provide notification concerning the offender to the appropriate local law enforcement agencies and, if the offender will reside upon release in a jurisdiction which is outside of this state, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide an offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender to register and to comply with all other provisions for registration.

5. If the central repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender convicted of a crime against a child is now residing or is a student or worker within this state, the central repository shall:

(a) Immediately provide notification concerning the offender to the appropriate local law enforcement agencies; and

(b) Establish a record of registration for the offender with the assistance of the local law enforcement agency.

Sec. 78. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the central repository receives notice from a court pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to NRS 62.590 that a juvenile sex offender has been deemed to be an adult sex offender, the central repository shall:

(a) If a record of registration has not previously been established for the sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the sex *offender*, update the record of registration for the sex offender and notify the appropriate local law enforcement agencies.

2. If the sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined or if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to NRS 62.590 and is not otherwise incarcerated or confined:

(a) The central repository shall immediately provide notification concerning the sex offender to the appropriate local law enforcement agencies and, if the sex offender resides in a jurisdiction which is outside of this state, to the appropriate law enforcement agency in that jurisdiction; and

(b) If the sex offender is subject to community notification, the central repository shall arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

3. If a sex offender is incarcerated or confined and has previously been convicted of a sexual offense as described in NRS 179D.410, before the sex offender is released:

(a) The department of ~~prisons~~ *corrections* or a local law enforcement agency in whose facility the sex offender is incarcerated or confined shall:

(1) Inform the sex offender of the requirements for registration, including, but not limited to:

(I) The duty to register in this state during any period in which he is a resident of this state or a nonresident who is a student or worker within this state and the time within which he is required to register pursuant to NRS 179D.460;

(II) The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(III) If he moves from this state to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction; and

(IV) The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this state to another jurisdiction,

or changes the primary address at which he is a student or worker; and

(2) Require the sex offender to read and sign a form confirming that the requirements for registration have been explained to him and to forward the form to the central repository.

(b) The central repository shall:

(1) Update the record of registration for the sex offender;

(2) If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive; and

(3) Provide notification concerning the sex offender to the appropriate local law enforcement agencies and, if the sex offender will reside upon release in a jurisdiction which is outside of this state, to the appropriate law enforcement agency in that jurisdiction.

4. The failure to provide a sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the sex offender to register and to comply with all other provisions for registration.

5. If the central repository receives notice from another jurisdiction or the Federal Bureau of Investigation that a sex offender is now residing or is a student or worker within this state, the central repository shall:

(a) Immediately provide notification concerning the sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the sex offender; and

(c) If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive.

Sec. 81. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections 5 and 6 and NRS 202.24915, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist or doctor of Oriental medicine.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking, except for a room or portion of the area of a store described in paragraph (e) of subsection 1 if the room or portion of the area:

(1) Is leased to or operated by a person licensed pursuant to NRS 463.160; and

(2) Does not otherwise qualify for an exemption set forth in NRS 202.24915.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be

designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

8. As used in this section:

(a) "Child care facility" means an establishment licensed pursuant to chapter 432A of NRS to provide care for 13 or more children.

(b) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

(c) "Public building" means any building or office space owned or occupied by:

(1) Any component of the University and Community College System of Nevada and used for any purpose related to the system.

(2) The State of Nevada and used for any public purpose, other than that used by the department of ~~prisons~~ **corrections** to house or provide other services to offenders.

(3) Any county, city, school district or other political subdivision of the state and used for any public purpose.

If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) "School bus" has the meaning ascribed to it in NRS 483.160.

Sec. 85. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of ~~prisons~~ **corrections**.

(c) The University and Community College System of Nevada.

(d) The office of the military.

- (e) The state gaming control board.
- (f) The Nevada gaming commission.
- (g) The welfare division of the department of human resources.
- (h) The division of health care financing and policy of the department of human resources.
- (i) The state board of examiners acting pursuant to chapter 217 of NRS.
- (j) Except as otherwise provided in NRS 533.365, the office of the state engineer.
- (k) The division of industrial relations of the department of business and industry in acting to enforce the provisions of NRS 618.375.
- (l) The administrator of the division in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.
- (m) The board to review claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the department of education, the board of the public employees' benefits program and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

- (a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;
- (b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;
- (c) Chapter 703 of NRS for the judicial review of decisions of the public utilities commission of Nevada;
- (d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and
- (e) NRS 90.800 for the use of summary orders in contested cases,

prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

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

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184; or

(c) A regulation adopted by the state board of education pursuant to section 12 or 30 of ~~[[this act.]]~~ *Senate Bill No. 289 of the 71st session of the Nevada Legislature.*

6. The state board of parole commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 90. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in subsection 2, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the commission within 1 year after the date on which the person commences employment as a peace officer unless the commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the commission:

(a) The chief parole and probation officer;

(b) The director of the department of ~~[[prisons;]]~~ *corrections;*

(c) The state fire marshal;

(d) The director of the department of public safety, the deputy directors of the department, the chiefs of the divisions of the department other than the investigation division, and the members of the state disaster identification team of the division of emergency management of the department;

(e) The commissioner of insurance and his chief deputy;

(f) Railroad policemen; and

(g) California correctional officers.

Sec. 92. NRS 334.010 is hereby amended to read as follows:

334.010 1. No automobile may be purchased by any department, office, bureau, officer or employee of the state without prior written consent of the state board of examiners.

2. All such automobiles must be used for official purposes only.

3. All such automobiles, except:

(a) Automobiles maintained for and used by the governor;

(b) Automobiles used by or under the authority and direction of the chief parole and probation officer, the state contractors' board and auditors, the state fire marshal, the investigation division of the department of public safety, the investigators of the state gaming control board, the investigators of the securities division of the office of the secretary of state and the investigators of the attorney general;

(c) One automobile used by the department of ~~prisons;~~ *corrections;*

(d) Two automobiles used by the Caliente youth center;

(e) Three automobiles used by the Nevada youth training center; and

(f) Four automobiles used by the youth parole bureau of the division of child and family services of the department of human resources,

must be labeled by painting the words "State of Nevada" and "For Official Use Only" on the automobiles in plain lettering. The director of the department of administration or his representative shall prescribe the size and location of the label for all such automobiles.

4. Any officer or employee of the State of Nevada who violates any provision of this section is guilty of a misdemeanor.

Sec. 93. NRS 380A.041 is hereby amended to read as follows:

380A.041 1. The governor shall appoint to the council:

(a) A representative of public libraries;

(b) A trustee of a legally established library or library system;

(c) A representative of school libraries;

(d) A representative of academic libraries;

(e) A representative of special libraries or institutional libraries;

(f) A representative of persons with disabilities;

(g) A representative of the public who uses these libraries;

(h) A representative of recognized state labor organizations;

(i) A representative of private sector employers;

(j) A representative of private literacy organizations, voluntary literacy organizations or community-based literacy organizations; and

(k) A classroom teacher who has demonstrated outstanding results in teaching children or adults to read.

2. The director of the following state agencies or their designees shall serve as ex officio members of the council:

(a) The department of cultural affairs;

(b) The department of education;

(c) The department of employment, training and rehabilitation;

(d) The department of human resources;

(e) The commission on economic development; and

(f) The department of ~~prisons~~ **corrections**.

3. Officers of state government whose agencies provide funding for literacy services may be designated by the governor or the chairman of the council to serve whenever matters within the jurisdiction of the agency are considered by the council.

4. The governor shall ensure that there is appropriate representation on the council of urban and rural areas of the state, women, persons with disabilities, and racial and ethnic minorities.

5. A person may not serve as a member of the council for more than two consecutive terms.

Sec. 94. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without

limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(3) The count of pupils not included under subparagraph (1) or (2) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(4) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school district for the school year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(6) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 4 of NRS 386.560 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for either or both of the immediately preceding 2 school years, the largest number must be used from among the 3 years for purposes of apportioning money from the state distributive school account to that school district or charter school pursuant to NRS 387.124.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance

with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of ~~prisons~~ *corrections* must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. Pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 96. NRS 425.393 is hereby amended to read as follows:

425.393 1. The chief may request the following information to carry out the provisions of this chapter:

(a) The records of the following public officers and state, county and local agencies:

- (1) The state registrar of vital statistics;
- (2) Agencies responsible for maintaining records relating to state and local taxes and revenue;
- (3) Agencies responsible for keeping records concerning real property and personal property for which a title must be obtained;
- (4) All boards, commissions and agencies that issue occupational or professional licenses, certificates or permits;
- (5) The secretary of state;
- (6) The employment security division of the department of employment, training and rehabilitation;
- (7) Agencies that administer public assistance;
- (8) The department of motor vehicles;
- (9) The department of public safety;
- (10) The department of ~~prisons~~ *corrections*; and
- (11) Law enforcement agencies and any other agencies that maintain records of criminal history.

(b) The names and addresses of:

- (1) The customers of public utilities and community antenna television companies; and
- (2) The employers of the customers described in subparagraph (1).

(c) Information in the possession of financial institutions relating to the assets, liabilities and any other details of the finances of a person.

(d) Information in the possession of a public or private employer relating to the employment, compensation and

benefits of a person employed by the employer as an employee or independent contractor.

2. If a person or other entity fails to supply the information requested pursuant to subsection 1, the administrator may issue a subpoena to compel the person or entity to provide that information. A person or entity who fails to comply with a request made pursuant to subsection 1 is subject to a civil penalty not to exceed \$500 for each failure to comply.

3. A disclosure made in good faith pursuant to subsection 1 does not give rise to any action for damages for the disclosure.

Sec. 100. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, and sections 2 to 12, inclusive, of Senate Bill No. 397 of ~~[this session]~~ *the 71st session of the Nevada Legislature* or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to NRS 453.336, 453.411 or 454.351, or is found guilty of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the department of ~~[prisons.]~~ *corrections*.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the division of parole and probation of the department of public safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.

Sec. 104. NRS 458.380 is hereby amended to read as follows:

458.380 1. The commission on substance abuse education, prevention, enforcement and treatment is hereby created within the department of public safety.

2. The governor shall appoint as voting members of the commission:

(a) Three members who represent the criminal justice system and are knowledgeable in the areas of the enforcement of laws relating to drugs, parole and probation and the judicial system, at least one of whom is a peace officer;

(b) Three members who represent education and are knowledgeable about programs for the prevention of abuse of drugs and alcohol, at least one of whom is a licensed employee of a local school district;

(c) Three members who represent programs and organizations for the rehabilitation of persons who abuse drugs and alcohol, at least one of whom is a manager of a program accredited by this state to treat persons who abuse drugs and alcohol;

(d) One member who is employed by the health division and has experience in matters concerning budgeting and experience in working with the alcohol and drug abuse programs of the health division;

(e) One member who is employed by the division of mental health and developmental services of the department of human resources who has relevant experience, which may include, without limitation, experience in matters concerning budgeting and experience in working with programs of the division of mental health and developmental services of the department of human resources;

(f) One member who represents the interests of private businesses concerning substance abuse in the workplace; and

(g) Three members who represent the general public, one of whom is the parent of a child who has a mental illness or who has or has had a problem with substance abuse.

3. At least three of the voting members of the commission must be representatives of northern Nevada, three must be representatives of southern Nevada and three must be representatives of rural Nevada.

4. The legislative commission shall appoint one member of the senate and one member of the assembly to serve as nonvoting members of the commission. Those members must be appointed with appropriate regard for their experience with and knowledge of matters relating to substance abuse education, prevention, enforcement and treatment.

5. The director of the department of human resources, the superintendent of public instruction, the director of the department of employment, training and rehabilitation, the director of the department of ~~prisons,~~ *corrections*, the attorney general and the director of the department of public safety are ex officio nonvoting members of the commission. An ex officio member may designate a representative to serve in his place on the commission or to attend a meeting of the commission in his place. Each ex officio member or his representative shall attend each meeting of the commission and provide any information which the commission requests.

6. The term of office of each voting member of the commission is 2 years.

7. The governor shall appoint one member who is not an elected officer to serve as chairman of the commission.

8. Each member of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. Except during a regular or special session of the legislature, each legislative member of the commission is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the commission or is

otherwise engaged in the business of the commission. The salaries and expenses of the legislative members of the commission must be paid from the legislative fund.

Sec. 105. NRS 482.267 is hereby amended to read as follows:

482.267 The director shall utilize the facility for the production of license plates which is located at the department of ~~prisons~~ *corrections* to produce all license plates required by the department of motor vehicles.

Sec. 106. NRS 482.368 is hereby amended to read as follows:

482.368 1. Except as otherwise provided in subsection 2, the department shall provide suitable distinguishing license plates for exempt vehicles. These plates must be displayed on the vehicles in the same manner as provided for privately owned vehicles. The fee for the issuance of the plates is \$5. Any license plates authorized by this section must be immediately returned to the department when the vehicle for which they were issued ceases to be used exclusively for the purpose for which it was exempted from the governmental services tax.

2. License plates furnished for:

(a) Those vehicles which are maintained for and used by the governor or under the authority and direction of the chief parole and probation officer, the state contractors' board and auditors, the state fire marshal, the investigation division of the department of public safety and any authorized federal law enforcement agency or law enforcement agency from another state;

(b) One vehicle used by the department of ~~prisons,~~ *corrections*, three vehicles used by the division of wildlife of the state department of conservation and natural resources, two vehicles used by the Caliente youth center and four vehicles used by the Nevada youth training center;

(c) Vehicles of a city, county or the state, if authorized by the department for the purposes of law enforcement or work related thereto or such other purposes as are approved upon proper application and justification; and

(d) Vehicles maintained for and used by investigators of the following:

- (1) The state gaming control board;
- (2) The state department of agriculture;
- (3) The attorney general;
- (4) City or county juvenile officers;
- (5) District attorneys' offices;
- (6) Public administrators' offices;

- (7) Public guardians' offices;
- (8) Sheriffs' offices;
- (9) Police departments in the state; and
- (10) The securities division of the office of the

secretary of state,

must not bear any distinguishing mark which would serve to identify the vehicles as owned by the state, county or city. These license plates must be issued annually for \$12 per plate or, if issued in sets, per set.

3. The director may enter into agreements with departments of motor vehicles of other states providing for exchanges of license plates of regular series for vehicles maintained for and used by investigators of the law enforcement agencies enumerated in paragraph (d) of subsection 2, subject to all of the requirements imposed by that paragraph, except that the fee required by that paragraph must not be charged.

4. Applications for the licenses must be made through the head of the department, board, bureau, commission, school district or irrigation district, or through the chairman of the board of county commissioners of the county or town or through the mayor of the city, owning or controlling the vehicles, and no plate or plates may be issued until a certificate has been filed with the department showing that the name of the department, board, bureau, commission, county, city, town, school district or irrigation district, as the case may be, and the words "For Official Use Only" have been permanently and legibly affixed to each side of the vehicle, except those vehicles enumerated in subsection 2.

5. As used in this section, "exempt vehicle" means a vehicle exempt from the governmental services tax, except a vehicle owned by the United States.

6. The department shall adopt regulations governing the use of all license plates provided for in this section. Upon a finding by the department of any violation of its regulations, it may revoke the violator's privilege of registering vehicles pursuant to this section.

Sec. 115. Sections 5 and 6 of Assembly Bill No. 110 of the 71st session of the Nevada Legislature are hereby amended to read as follows:

Sec. 5. NRS 6.020 is hereby amended to read as follows:

6.020 1. ~~Upon~~ *Except as otherwise provided in subsections 2 and 3 and section 2 of this act, upon* satisfactory proof, made by affidavit or otherwise, the following-named persons, and no others , ~~except as~~

~~otherwise provided in subsections 2 and 3,]~~ are exempt from service as grand or trial jurors:

- (a) Any federal or state officer.
- (b) Any judge, justice of the peace or attorney at law.
- (c) Any county clerk, recorder, assessor, sheriff, deputy sheriff, constable or police officer.
- (d) Any locomotive engineer, locomotive fireman, conductor, brakeman, switchman or engine foreman.
- (e) Any officer or correctional officer employed by the department of corrections.
- (f) Any employee of the legislature or the legislative counsel bureau while the legislature is in session.
- (g) Any physician, optometrist or dentist who is licensed to practice in this state.
- (h) Any person who has a fictitious address pursuant to NRS 217.462 to 217.471, inclusive.

2. All persons of the age of 70 years or over are exempt from serving as grand or trial jurors. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is over the age of 70 years, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

3. A person who is the age of 65 years or over who lives 65 miles or more from the court is exempt from serving as a grand or trial juror. Whenever it appears to the satisfaction of the court, by affidavit or otherwise, that a juror is the age of 65 years or over and lives 65 miles or more from the court, the court shall order the juror excused from all service as a grand or trial juror, if the juror so desires.

Sec. 6. *1.* This *section and sections 1 to 4, inclusive, of this* act ~~[becomes]~~ *become* effective on July 1, 2001.

*2. Section 5 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

Sec. 118. Section 91 of Senate Bill No. 91 of the 71st session of the Nevada Legislature is hereby amended to read as follows:

Sec. 91. 1. NRS ~~[630.272,]~~ 630.274, 640B.010, 640B.020, 640B.030, 640B.040, 640B.050, 640B.080, 640B.100, 640B.110 and 640B.150 are hereby repealed.

2. NRS 630.256 ~~[is]~~ *and 630.272 are* hereby repealed.

Sec. 120. 1. This section and sections *115, 118, 118.2, 118.6 and 118.8 of this act become effective on June 30, 2001.*

2. Sections 1 to ~~[86,]~~ 14, inclusive, 16, 18 to 76, inclusive, 79 to 84, inclusive, 86, 88 ~~[to 101, inclusive, 104, 105,]~~, 89, 91, 93, 95, 97, 98, 99, 101, 107, 108, 109, 111, 112 ~~[and 114 to 119, inclusive,]~~, 114, 114.5, 116, 117, 118.4 and 119 of this act become effective on July 1, 2001.

~~[2,]~~ 3. Sections 15, 77, 78, 92, 94, 96, 102 ~~[, 103, 106,]~~ to 105, inclusive, 110 and 113 of this act become effective at 12:01 a.m. on July 1, 2001.

~~[3,]~~ 4. Sections 85, 90, 100 and 106 of this act become effective at 12:02 a.m. on July 1, 2001.

5. Section 86 of this act expires by limitation on ~~[July 1, 2009.~~

~~4,]~~ June 30, 2009.

6. Section 87 of this act becomes effective at 12:01 a.m. on July ~~[2,]~~ 1, 2009.

2. Chapter 14, Statutes of Nevada 2001 Special Session, at page 249, is hereby amended by adding thereto a new section to be designated as section 114.5, immediately following section 114, to read as follows:

Sec. 114.5. Section 2 of chapter 77, Statutes of Nevada 1999, at page 175, is hereby amended to read as follows:

Sec. 2. This act becomes effective upon passage and approval and expires by limitation on ~~[July 1,]~~ June 30, 2009.

3. Chapter 14, Statutes of Nevada 2001 Special Session, at page 251, is hereby amended by adding thereto new sections to be designated as sections 118.2, 118.4, 118.6 and 118.8, immediately following section 118, to read respectively as follows:

Sec. 118.2. Sections 35 and 42 of chapter 289, Statutes of Nevada 2001, at pages 1334 and 1338, respectively, are hereby amended to read respectively as follows:

Sec. 35. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

- (a) The governor.
- (b) The department of prisons.
- (c) The University and Community College System of Nevada.
- (d) The office of the military.
- (e) The state gaming control board.
- (f) The Nevada gaming commission.
- (g) The welfare division of the department of human resources.
- (h) The division of health care financing and policy of the department of human resources.

(i) The state board of examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the office of the state engineer.

(k) The division of industrial relations of the department of business and industry in acting to enforce the provisions of NRS 618.375.

(l) The administrator of the division in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The board to review claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in *subsection 5 and* NRS 391.323, the department of education, the board of the public employees' benefits program and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security division of the department of employment, training and rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the public utilities commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and

(e) NRS 90.800 for the use of summary orders in contested cases,

prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

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

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep

commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; ~~for~~

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184 ~~for~~; or

*(c) A regulation adopted by the state board of education pursuant to section 12 or 30 of this act.*

6. The state board of parole commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 42. *1. This section and sections 1 to 34, inclusive, and 36 to 41, inclusive, of this act* ~~becomes~~ *become* effective on July 1, 2001.

*2. Section 35 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

Sec. 118.4. Section 6 of chapter 345, Statutes of Nevada 2001, at page 1640, is hereby amended to read as follows:

Sec. 6. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The board shall not release on parole a prisoner convicted of an offense listed in subsection 5 unless a panel consisting of:

(a) The administrator of the division of mental health and developmental services of the department of human resources or his designee;

(b) The director of the department of corrections or his designee; and

(c) A psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state,

certifies that the prisoner was under observation while confined in an institution of the department of corrections and ~~is not a menace to the health, safety or morals of others.]~~ *does not represent a high risk to reoffend based upon a currently accepted standard of assessment.*

2. A prisoner who has been certified pursuant to subsection 1 and who returns for any reason to the custody of the department of corrections may not be paroled unless a panel recertifies him in the manner set forth in subsection 1.

3. The panel may revoke the certification of a prisoner certified pursuant to subsection 1 at any time.

4. This section does not create a right in any prisoner to be certified or *to* continue to be certified. No prisoner may bring a cause of action against the state, its political

subdivisions, *or the* agencies, boards, commissions, departments, officers or employees *of the state or its political subdivisions* for not certifying *a prisoner pursuant to this section* or *for* refusing to place a prisoner before a panel for certification pursuant to this section.

5. The provisions of this section apply to a prisoner convicted of any of the following offenses:

- (a) Sexual assault pursuant to NRS 200.366.
- (b) Statutory sexual seduction pursuant to NRS 200.368.
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400.
- (d) Abuse or neglect of a child pursuant to NRS 200.508.
- (e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.
- (f) Incest pursuant to NRS 201.180.
- (g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.
- (h) Open or gross lewdness pursuant to NRS 201.210.
- (i) Indecent or obscene exposure pursuant to NRS 201.220.
- (j) Lewdness with a child pursuant to NRS 201.230.
- (k) Sexual penetration of a dead human body pursuant to NRS 201.450.
- (l) Luring a child using a computer, system or network pursuant to section 4 of Senate Bill No. 551 of the 71st session of the Nevada Legislature, if punished as a felony.
- (m) An attempt to commit an offense listed in paragraphs (a) to (m), inclusive.
- (n) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 118.6. Sections 121, 190 and 241 of chapter 520, Statutes of Nevada 2001, at pages 2595, 2624 and 2644, respectively, are hereby amended to read respectively as follows:

Sec. 121. NRS 289.550 is hereby amended to read as follows:

289.550 1. Except as otherwise provided in subsection 2, a person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the commission within 1 year after the date on which the person commences employment as a peace officer unless the commission, for good cause shown, grants in writing

an extension of time, which must not exceed 6 months, by which the person must become certified. A person who fails to become certified within the required time shall not exercise any of the powers of a peace officer after the time for becoming certified has expired.

2. The following persons are not required to be certified by the commission:

- (a) The chief parole and probation officer;
- (b) The director of the department of prisons;
- (c) The state fire marshal;
- (d) The director of the department of ~~motor vehicles~~ and public safety, the deputy directors of the department, the chiefs of the divisions of the department other than the investigation division, and the members of the state disaster identification team of the division of emergency management of the department;
- (e) The commissioner of insurance and his chief deputy;
- (f) Railroad policemen; and
- (g) California correctional officers.

Sec. 190. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, and sections 2 to 12, inclusive, of ~~this act~~ *Senate Bill No. 397 of this session* or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to NRS 453.336, 453.411 or 454.351, or is found guilty of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the department of prisons.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the division of parole and probation of the department of ~~motor vehicles and~~ public safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.

Sec. 241. 1. This section and sections 1 to 41, inclusive, 43 to 54, inclusive, 56, 57, 59 to 90, inclusive, 92 to **120, inclusive, 122 to** 161, inclusive, 163 to **189, inclusive, 191 to** 223, inclusive, 227 to 240, inclusive, and 242 of this act become effective upon passage and approval for the purpose of authorizing any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on July 1, 2001, for all other purposes.

2. Sections 55, 58, **121, 190,** 225 and 226 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Section 162 of this act becomes effective at 12:05 a.m. on July 1, 2001.

4. Sections 42 and 224 of this act become effective on January 1, 2002.

Sec. 118.8. Section 38 of chapter 592, Statutes of Nevada 2001, at page 3068, is hereby amended to read as follows:

Sec. 38. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, and sections 2 to 12, inclusive, of Senate Bill No. 397 of the 71st session of the Nevada Legislature or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to *subsection 2 or 3 of* NRS 453.336, *NRS* 453.411 or 454.351, or is found guilty of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the department of corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the division of parole and probation of the department of public safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge

and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.

**Sec. 110.** 1. Sections 1, 11, 12, 13, 14 and 15 of chapter 16, Statutes of Nevada 2001 Special Session, at pages 256, 261 and 262, are hereby amended to read respectively as follows:

Section 1. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as ~~limited by~~ *otherwise provided in* subsection 2, justices' courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$7,500.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$7,500.

(c) Except as otherwise provided in paragraph (l) in actions for a fine, penalty or forfeiture not exceeding \$7,500, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$7,500, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$7,500.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$7,500.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$7,500 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$7,500 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$7,500.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$7,500.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$7,500.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) Except in a judicial district that includes a county whose population is 100,000 or more, in any action for the issuance of a temporary or extended order for protection against domestic violence.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to sections 2 to 19, inclusive, of ~~[this act.]~~ *Assembly Bill No. 370 of the 71st session of the Nevada Legislature.*

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justices' courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. *Upon approval of the district court, a justice's court may transfer original jurisdiction of a*

*misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to section 5 of this act.*

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada highway patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice's court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 11. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 453.3365, ~~and~~ section 22 of ~~[[this act,]]~~ *Senate Bill No. 519 of the 71st session of the Nevada Legislature, and section 8 of this act*, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 10 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 3 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The central repository for Nevada records of criminal history; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California bureau of identification and information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Annoyance or molestation of a minor pursuant to NRS 207.260.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 12. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 179.245, 179.255 or 453.3365, ~~or~~ section 22 of ~~this act.~~ *Senate Bill No. 519 of the 71st session of the*

*Nevada Legislature or section 8 of this act*, a copy of the order must be sent to:

1. The central repository for Nevada records of criminal history; and

2. Each public or private company, agency or official named in the order, and that person shall seal the records in his custody which relate to the matters contained in the order, shall advise the court of his compliance, and shall then seal the order.

Sec. 13. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301, if the court orders a record sealed pursuant to NRS 179.245, 179.255 or 453.3365, ~~for~~ section 22 of ~~this act~~ *Senate Bill No. 519 of the 71st session of the Nevada Legislature or section 8 of this act*:

1. All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

2. The court shall order the civil rights of the person to whom the order pertains to be restored if the person has not been restored to his civil rights.

Sec. 14. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 179.245, 179.255 or 453.3365, ~~for~~ section 22 of ~~this act~~ *Senate Bill No. 519 of the 71st session of the Nevada Legislature or section 8 of this act* may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, section 22 of ~~this act~~ *Senate Bill No. 519 of the 71st session of the Nevada Legislature* and NRS 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or similar offense and that there is sufficient evidence reasonably to conclude that he will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 179.245, 179.255 or 453.3365 , ~~or~~ section 22 of ~~this act~~ *Senate Bill No. 519 of the 71st session of the Nevada Legislature or section 8 of this act* in determining whether to grant a petition pursuant to NRS 179.245, 179.255 or 453.3365 , ~~or~~ section 22 of ~~this act~~ *Senate Bill No. 519 of the 71st session of the Nevada Legislature or section 8 of this act* for a conviction of another offense.

Sec. 15. The amendatory provisions of *sections 1 to 14, inclusive, of this act* do not apply to offenses committed before October 1, 2001.

2. Chapter 16, Statutes of Nevada 2001 Special Session, at page 262, is hereby amended by adding thereto a new section to be designated as section 14.5, immediately following section 14, to read as follows:

Sec. 14.5. Sections 23, 25 and 26 of chapter 262, Statutes of Nevada 2001, at pages 1167 and 1169, are hereby amended to read respectively as follows:

Sec. 23. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 453.3365, *and section 22 of this act*, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 10 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 7 years from the date of his release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the

date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 3 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The central repository for Nevada records of criminal history; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California *bureau of* identification and ~~investigation bureau,~~ *information*, sheriffs' offices and

all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" ~~has the meaning ascribed to it in NRS 179D.410.~~ means:

*(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.*

*(2) Sexual assault pursuant to NRS 200.366.*

*(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.*

*(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.*

*(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.*

*(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.*

*(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.*

*(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.*

*(9) Incest pursuant to NRS 201.180.*

*(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.*

*(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.*

*(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.*

*(13) Lewdness with a child pursuant to NRS 201.230.*

*(14) Sexual penetration of a dead human body pursuant to NRS 201.450.*

*(15) Annoyance or molestation of a minor pursuant to NRS 207.260.*

*(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.*

Sec. 25. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301, if the court orders a record sealed pursuant to NRS 179.245, 179.255 or 453.3365 ~~§~~ *or section 22 of this act:*

1. All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

2. The court shall order the civil rights of the person to whom the order pertains to be restored if the person has not been restored to his civil rights.

Sec. 26. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 179.245, 179.255 or 453.3365 *or section 22 of this act* may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, *section 22 of this act* and NRS 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or similar offense and that there is sufficient evidence reasonably to conclude that he will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a

defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 179.245, 179.255 or 453.3365 *or section 22 of this act* in determining whether to grant a petition pursuant to NRS 179.245, 179.255 or 453.3365 *or section 22 of this act* for a conviction of another offense.

3. Chapter 16, Statutes of Nevada 2001 Special Session, at page 262, is hereby amended by adding thereto a new section to be designated as section 16, immediately following section 15, to read as follows:

Sec. 16. 1. This section and section 14.5 of this act become effective on June 30, 2001.

2. Sections 2 to 14, inclusive, and 15 of this act become effective on October 1, 2001.

3. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 2001.

**Sec. 111.** 1. Sections 1, 3, 6 and 8 of chapter 21, Statutes of Nevada 2001 Special Session, at pages 269, 270, 273 and 274, respectively, are hereby amended to read respectively as follows:

Section 1. NRS 389.090 is hereby amended to read as follows:

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

*The regulations must set forth, without limitation:*

*(a) The number of hours of training that must be completed by a pupil who enrolls in a course in automobile driver education;*

*(b) That a course in automobile driver education may be conducted in a classroom or motor vehicle, or both; and*

*(c) That if a course in automobile driver education is conducted both in a classroom and in a motor vehicle, 1 hour of training in a motor vehicle is equivalent to 3 hours of training in a classroom.*

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

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

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

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

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

4. A governing body of a charter school may establish and maintain *courses in* automobile driver education ~~[classes]~~ if the governing body insures against any liability arising out of the use of motor vehicles in connection with those courses.

5. Automobile driver education must be provided by boards of trustees of school districts and governing bodies of charter schools in accordance with the regulations of the state board and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

6. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.

7. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must be restricted to pupils who are at least 15 years of age.

Sec. 3. NRS 483.250 is hereby amended to read as follows:

483.250 The department shall not issue any license ~~[under]~~ *pursuant to* 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]~~ 15 3/4 and 18 years if:

(1) He has completed a course ~~[in]~~:

*(I) In* automobile driver education pursuant to NRS 389.090; or ~~[a course provided]~~

*(II) 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;

(2) 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]~~

(3) His parent or legal guardian ~~[has signed and submitted]~~ *signs and submits* to the department a form provided by the department which attests that the person who wishes to obtain the license has completed the training and experience required by ~~[this paragraph.]~~ *subparagraphs (1) and (2); and*

*(4) He has held an instruction permit for at least:*

*(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;*

*(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or*

*(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.*

(e) A license to a person who is between the ages of ~~[16]~~ 15 3/4 and 18 years if:

(1) The public school in which he is enrolled is located in a county whose population is less than 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 wishes to obtain the license has

completed the experience required by subparagraph (3) ~~H~~ ;  
and

(5) *He has held an instruction permit for at least:*

*(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;*

*(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or*

*(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.*

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 ~~H~~ 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. 6. NRS 483.730 is hereby amended to read as follows:

483.730 1. The department shall issue a license to operate a school for training drivers or to act as an instructor for such a school, if ~~H~~ *the department* is satisfied that the applicant has met the qualifications required by NRS 483.700 to 483.780, inclusive, and section 11 of Senate Bill No. 523 of ~~[this session.]~~ *the 71st session of the Nevada Legislature.*

2. The license is valid for 5 years after the date of issuance, unless canceled, suspended or revoked by the department and, except as otherwise provided in subsection 3, may be renewed subject to the same conditions as the original license, except that an operator of or instructor for a school for training drivers is not required to comply with the provisions of section 11 of Senate Bill No. 523 of ~~[this session]~~ *the 71st session of the Nevada Legislature* for the renewal of his license.

3. Except as otherwise provided in subsection ~~[5,]~~ **4**, the department may renew the license of an instructor of a school for training drivers if, when he submits his application for the renewal of his license, he provides evidence satisfactory to the department that, during the period of the license, he completed ~~[at least six credits of continuing education by attending:~~

~~—(a) A course of instruction relating to the training of drivers approved by the department; or~~

~~—(b) A state or national conference approved by the department of education for credit for continuing education.~~

~~4. In determining whether an instructor has complied with the provisions of subsection 3, the department shall award one credit of continuing education for the completion of each 15 hours of:~~

~~—(a) Classroom instruction in a course specified in paragraph (a) of subsection 3; or~~

~~—(b) Attendance at a conference specified in paragraph (b) of subsection 3.~~

~~5.]~~ *training of a type and in an amount prescribed by the department by regulation.*

4. The provisions of subsection 3 do not apply to an instructor who provides instruction solely to applicants for commercial drivers' licenses.

Sec. 8. 1. This section and ~~[sections 1 to 4, inclusive,]~~ *section 6.5 of this act become effective on June 30, 2001.*

2. *Sections 2 and 4* of this act become effective on July 1, 2001.

~~[2.]~~ 3. *Section 1 of this act becomes effective at 12:01 a.m. on July 1, 2001.*

4. *Section 3 of this act becomes effective at 12:02 a.m. on July 1, 2001.*

5. Sections 5, 6 and 7 of this act become effective on October 1, 2001.

2. Chapter 21, Statutes of Nevada 2001 Special Session, at page 274, is hereby amended by adding thereto a new section to be designated as section 6.5, immediately following section 6, to read as follows:

Sec. 6.5. Sections 1 and 8 of chapter 321, Statutes of Nevada 2001, at pages 1500 and 1504, respectively, are hereby amended to read respectively as follows:

Section 1. 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~~ if:

(1) *He* has completed a course ~~;~~

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

~~(2) Provided~~ *or a course 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~~ ;

(2) *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 ~~;~~ ~~The~~ ; *and*

(3) *His* parent or legal guardian ~~of a person who desires to obtain a license pursuant to this paragraph must sign and submit~~ has *signed and submitted* to the department a form provided by the department which attests that the person who ~~desires a~~ *wishes to obtain the*

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 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~~ *wishes to obtain the* 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. 8. 1. This section and sections ~~[1,]~~ 2, 3, 5, 6 and 7 of this act become effective on July 1, 2001.

2. ~~[Section]~~ *Sections 1 and* 4 of this act ~~[becomes]~~ *become* effective at 12:01 a.m. on July 1, 2001.

**Sec. 112.** Section 58 of chapter 3, Statutes of Nevada 2002 Special Session, at page 21, is hereby amended to read as follows:

Sec. 58. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[62, 63 and]~~ *59 to 64, inclusive,* of this act.

**Sec. 113.** Section 7 of chapter 261, Statutes of Nevada 2001, at page 1159, is hereby repealed.

**Sec. 114.** This act becomes effective upon passage and approval.