

**THE ONE HUNDRED AND FIFTEENTH DAY**

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CARSON CITY (Wednesday), June 1, 2005

Senate called to order at 11:46 a.m.

President Hunt presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Elaine Morgan.

Lord of all creation, send down your love upon each member of the Nevada State Senate. Give them Your gifts of discernment, peace, joy and strength. Provide them with Your guidance in each decision they are called upon to make during the last days of this Legislative Session.

AMEN.

Pledge of allegiance to the Flag.

Senator Raggio moved that further reading of the Journal be dispensed with, and the President and Secretary be authorized to make the necessary corrections and additions.

Motion carried.

## REPORTS OF COMMITTEES

*Madam President:*

Your Committee on Finance, to which were referred Senate Bill No. 103; Assembly Bill No. 561, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was rereferred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM J. RAGGIO, *Chair**Madam President:*

Your Committee on Human Resources and Education, to which were referred Assembly Bills Nos. 388, 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAURICE E. WASHINGTON, *Chair*

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 31, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 563; Senate Bills Nos. 96, 187, 485, 510, 511.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 44.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 926 to Assembly Bill No. 195; Senate Amendment No. 1049 to Assembly Bill No. 312; Senate Amendment No. 953 to Assembly Bill No. 550.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 848 to Assembly Bill No. 43; Senate Amendment No. 1094 to Assembly Bill No. 195; Senate Amendment No. 925 to Assembly Bill No. 208; Senate Amendment No. 897 to Assembly Bill No. 210; Senate Amendment No. 951 to Assembly Bill No. 239; Senate Amendment No. 747 to Assembly Bill No. 254; Senate Amendments Nos. 866, 1048 to Assembly Bill No. 260; Senate Amendments Nos. 867, 1062 to Assembly Bill No. 290; Senate Amendment No. 803 to Assembly Bill

No. 365; Senate Amendment No. 895 to Assembly Bill No. 380; Senate Amendment No. 1063 to Assembly Bill No. 550; Senate Amendment No. 685 to Assembly Bill No. 555.

Also, I have the honor to inform your honorable body that the Assembly on this day receded from its action on Senate Bill No. 226.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 173, Assembly Amendment No. 797, and requests a conference, and appointed Assemblymen Ohrenschall, Allen and Gerhardt as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 290, Assembly Amendment No. 712, and requests a conference, and appointed Assemblymen Ocegüera, Atkinson and Goicoechea as a first Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Gerhardt, Carpenter and Anderson as a first Conference Committee concerning Assembly Bill No. 465.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, June 1, 2005

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Joint Resolutions Nos. 17, 18.

DIANE KEETCH

*Assistant Chief Clerk of the Assembly*

#### WAIVERS AND EXEMPTIONS

##### WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Bob Seale.

For: Assembly Bill No. 570.

To Waive:

Subsections 1 and 2 of Joint Standing Rule No. 14 and Joint Standing Rule Nos. 14.2 and 14.3.

Has been granted effective: May 31, 2005.

WILLIAM J. RAGGIO

*Senate Majority Leader*

RICHARD D. PERKINS

*Speaker of the Assembly*

#### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Senate Concurrent Resolution No. 45—Supporting the repeal of the Wright Amendment.

Senator Cegavske moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Joint Resolution No. 17.

Senator Nolan moved that the resolution be referred to the Committee on Transportation and Homeland Security.

Motion carried.

Assembly Joint Resolution No. 18.

Senator Nolan moved that the resolution be referred to the Committee on Taxation.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 563.

Senator Nolan moved that the bill be referred to the Committee on Finance.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 165.

Bill read third time.

Roll call on Senate Bill No. 165:

YEAS—21.

NAYS—None.

Senate Bill No. 165 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

## UNFINISHED BUSINESS

## CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 37.

The following Assembly amendment was read:

Amendment No. 878.

Amend section 1, page 2, line 2, by deleting "8," and inserting "12,".

Amend sec. 2, page 3, line 9, after "*report.*" by inserting: "*The provisions of this subsection do not apply to a:*

*(a) Lender or holder of indebtedness of an applicant who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.*

*(b) Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer."*

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. *The Board shall implement and maintain reasonable security measures to protect the information obtained by the Board pursuant to section 2 of this act and all other information related to an application for a license to engage in wholesale distribution to protect the information from unauthorized access, acquisition, destruction, use, modification or disclosure. The provisions of this section do not prohibit the Board from disclosing and providing such information to other state and federal agencies involved in the regulation of prescription drugs to the extent deemed necessary by the Board.*"

Amend sec. 3, page 3, line 27, by deleting "*a monthly*" and inserting "*an annual*".

Amend sec. 3, page 3, line 33, after "wholesaler." by inserting: "*Any changes to the list must be submitted to the Board not later than 30 days after the change is made.*".

Amend sec. 3, page 4, line 2, after "report." by inserting: "*The provisions of this subsection do not apply to a:*

(a) *Lender or holder of indebtedness of a wholesaler who is a commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, personal property broker, consumer finance lender, commercial finance lender or insurer, or any other person engaged in the business of extending credit, who is regulated by an officer or agency of the State or the Federal Government.*

(b) *Common motor carrier or other delivery service that delivers a drug at the direction of a manufacturer.*".

Amend sec. 4, page 4, line 17, by deleting: "*the amount of \$100,000*" and inserting: "*an amount not less than \$25,000 and not more than \$100,000, as determined by the Board.*".

Amend sec. 5, page 5, by deleting lines 24 and 25 and inserting: "*by a wholesaler, if required; and*".

Amend sec. 6, page 5, by deleting lines 29 through 34 and inserting:

"Sec. 6. 1. *The Board shall ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving the purchase and sale of prescription drugs by wholesalers, including, without limitation, ensuring:*"

Amend sec. 6, page 5, line 43, by deleting:

"3. *In determining*" and inserting:

"2. *In ensuring*".

Amend sec. 6, page 6, line 18, by deleting "4." and inserting "3."

Amend sec. 6, page 6, line 24, by deleting "5," and inserting "4,".

Amend sec. 6, page 6, line 29, by deleting "5." and inserting "4."

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

"Sec. 6.5. *If a statement of prior sales indicates that more than 3 prior sales of a prescription drug have occurred, including, without limitation, a sale involving an authorized distributor of record, a person who is licensed to engage in wholesale distribution pursuant to this chapter shall not sell that prescription drug to another wholesaler.*"

Amend the bill as a whole by renumbering sections 9 through 11 as sections 14 through 16 and adding new sections designated sections 9 through 13, following sec. 8, to read as follows:

"Sec. 9. *A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following information, updated annually, concerning each wholesaler from whom the licensee purchases a prescription drug or to whom the licensee sells a prescription drug:*

1. *A list that identifies each state in which the wholesaler is domiciled and each state into which the wholesaler ships prescription drugs.*

2. Copies of each state and federal regulatory license and registration held by the wholesaler, including, without limitation, the numbers accompanying each license and registration.

3. Copies of formation documents, business licenses and other documents related to the company of the wholesaler and its operations.

4. Copies of the wholesaler's most recent site inspection report by state or federal agencies.

5. If the licensee receives a prescription drug from the wholesaler, a copy of the wholesaler's product liability insurance policy that includes the licensee as an additional insured for at least \$1,000,000.

6. A list that includes the name and address of:

(a) If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, the partners or shareholders, as applicable.

(b) If the wholesaler is a private corporation, the officers, directors and shareholders.

(c) If the wholesaler is a public corporation, the officers and directors.

7. Evidence of due diligence in accordance with section 10 of this act.

8. A copy of the wholesaler's policy or procedure for internal operations, including, without limitation, the procedures related to handling counterfeit, misbranded or adulterated prescription drugs.

9. A listing of all manufacturers with whom the wholesaler claims status as an authorized distributor of record and the applicable account numbers.

Sec. 10. 1. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall maintain the following evidence regarding due diligence concerning each wholesaler with whom the licensee does business in accordance with any applicable requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.:

(a) A copy of the driver's license of:

(1) If the wholesaler is a sole proprietor, the owner.

(2) If the wholesaler is a partnership, limited-liability partnership or limited-liability corporation, each partner or shareholder, as applicable.

(3) If the wholesaler is a private corporation, each officer and director.

(b) Proof that the licensee has checked to determine if civil or criminal litigation or both exists against the company, its owners, partners, officers or directors and whether any disciplinary action has been taken or is pending against the company, its owners, partners, officers or directors by a state or federal agency.

2. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall not maintain a business relationship with any company if any of the owners, partners, officers or directors have been convicted of a felony related to the wholesale distribution of prescription drugs.

Sec. 11. 1. A person who is licensed to engage in wholesale distribution pursuant to this chapter shall, within 30 days after beginning a business relationship with another wholesaler, conduct an on-site inspection of each facility of the wholesaler to verify that the wholesaler complies with

*federal requirements for the storage of prescription drugs and the operation of the facilities where prescription drugs are stored.*

2. *After the date of the inspection pursuant to subsection 1, the licensee shall conduct an on-site inspection biannually.*

3. *Each on-site inspection conducted pursuant to this section must include:*

*(a) An assessment of the authority, training and experience of persons who are responsible for receiving, inspecting, storing, handling and shipping prescription drugs at the facility;*

*(b) An assessment of the operational conditions of each facility of the wholesaler, including, without limitation, security, climate control and cleanliness;*

*(c) An assessment of compliance with:*

*(1) The Federal Prescription Drug Marketing Act;*

*(2) Appropriate recordkeeping measures;*

*(3) The Drug Enforcement Administration recordkeeping requirements if the wholesaler maintains a federal controlled substance registration; and*

*(4) Temperature monitoring and documentation requirements; and*

*(d) An assessment of the procedures of the wholesaler for detecting adulterated, misbranded or counterfeit prescription drugs.*

4. *For each inspection pursuant to this section, the licensee shall obtain and maintain the signature of the appropriate representative of the wholesaler verifying the accuracy of the inspection.*

5. *Each licensee shall enter into an agreement with each wholesaler with whom the licensee enters into a business relationship providing that the wholesaler will comply with all applicable federal and state laws and regulations relating to the purchase and sale of prescription drugs and requiring the wholesaler to notify the licensee of any material change regarding the integrity or legal status of prescription drugs received by the licensee or any other material change regarding the legal status of the wholesaler.*

Sec. 12. *A person who is licensed to engage in wholesale distribution pursuant to this chapter shall certify a claim by another wholesaler that the wholesaler is an authorized distributor of record from whom the licensee purchases a prescription drug. Such certification includes a statement signed by a representative of the wholesaler certifying the claim that the wholesaler is an authorized distributor of record for a specified manufacturer and:*

1. *A copy of the written agreement currently in effect with the manufacturer;*

2. *A copy of a letter from the manufacturer endorsing the wholesaler as an authorized distributor of record;*

3. *Copies of applicable invoices from the manufacturer demonstrating the purchase by the wholesaler of at least 1,000 sales units of prescription drugs from the manufacturer within the 12 months immediately preceding the current month;*

4. *Copies of applicable invoices from the manufacturer from each of the previous 12 months;*

5. *Copies of applicable invoices from the manufacturer specific to the given transaction; or*

6. *Verification from the manufacturer's website that the wholesaler is an authorized distributor of record.*

Sec. 13. NRS 639.040 is hereby amended to read as follows:

639.040 1. The Board shall elect a President and a Treasurer from among its members.

2. The Board shall employ an Executive Secretary, who ~~must not be~~ is not a member of the Board. *The Executive Secretary must have experience as a licensed pharmacist in this State or in another state with comparable licensing requirements.* The Executive Secretary shall keep a complete record of all proceedings of the Board and of all certificates issued, and shall perform such other duties as the Board may require, for which services he is entitled to receive a salary to be determined by the Board."

Amend the bill as a whole by renumbering sections 12 and 13 as sections 19 and 20 and adding new sections designated sections 17 and 18, following sec. 11, to read as follows:

"Sec. 17. NRS 639.2615 is hereby amended to read as follows:

639.2615 1. A wholesaler may sell a prescription drug only ~~to:~~

~~(a) A pharmacy or practitioner; or~~

~~(b) Another wholesaler if:~~

~~(1) The wholesaler who purchases the drug is licensed by the Board or the board or other relevant authority of another state; and~~

~~(2) The sale is a bona fide transaction.~~

2. A wholesaler may purchase a prescription drug only from:

(a) A manufacturer; ~~or~~

(b) *A pharmacy or practitioner if that pharmacy or practitioner maintains a valid license in the State in which the pharmacy or practitioner is domiciled; or*

(c) Another wholesaler if:

(1) The wholesaler who sells the drug is licensed by the Board; and

(2) The sale is a bona fide transaction.

3. *A wholesaler may receive a prescription drug from a pharmacy or practitioner only if the wholesaler does not pay the pharmacy or practitioner an amount, either in cash or credit, that is more than the price for which the wholesaler sells such prescription drugs to other pharmacies or practitioners at the time of return and:*

(a) *The prescription drug was originally shipped to the pharmacy or practitioner by the wholesaler; or*

(b) *The prescription drug could not be returned by the pharmacy or practitioner to the original wholesaler.*

➡ *If a wholesaler receives a prescription drug pursuant to this subsection and the wholesaler subsequently sells the prescription drug to another*

*wholesaler, the prescription drug must be accompanied by a statement of prior sales as defined in section 5 of this act.*

4. The Board shall not limit the quantity of prescription drugs a wholesaler may purchase, sell, distribute or otherwise provide to another wholesaler, distributor or manufacturer.

~~[4.]~~ 5. For the purposes of this section:

(a) A purchase shall be deemed a bona fide transaction if:

(1) The wholesaler purchased the drug:

(I) Directly from the manufacturer of the drug; or

(II) With a reasonable belief that the drug was originally purchased directly from the manufacturer of the drug;

(2) The circumstances of the purchase reasonably indicate that the drug was not purchased from a source prohibited by law;

(3) Unless the drug is purchased by the wholesaler from the manufacturer, before the wholesaler sells the drug to another wholesaler, the wholesaler who sells the drug conducts a reasonable visual examination of the drug to ensure that the drug is not:

(I) Counterfeit;

(II) Deemed to be adulterated or misbranded in accordance with the provisions of chapter 585 of NRS;

(III) Mislabeled;

(IV) Damaged or compromised by improper handling, storage or temperature control;

(V) From a foreign or unlawful source; or

(VI) Manufactured, packaged, labeled or shipped in violation of any state or federal law relating to prescription drugs;

(4) The drug is shipped directly from the wholesaler who sells the drug to the wholesaler who purchases the drug; and

(5) The documents of the shipping company concerning the shipping of the drug are attached to the invoice for the drug and are maintained in the records of the wholesaler.

(b) A sale shall be deemed a bona fide transaction if ~~[there is a reasonable assurance by the wholesaler that purchases the drug that the wholesaler will sell the drug directly and]~~ *the wholesaler sells the prescription drug only to* ~~[a]~~:

(1) *A pharmacy or practitioner* ~~[ ]~~ *if that pharmacy or practitioner maintains a valid license in the state in which the pharmacy or practitioner is domiciled.*

(2) *Another wholesaler who maintains a valid license in the state in which he is domiciled if the wholesaler who sells the prescription drug has complied with sections 9, 10 and 11 of this act.*

(c) The purchase or sale of a prescription drug includes, without limitation, the distribution, transfer, trading, bartering or any other provision of a prescription drug to another person by a wholesaler. A transfer of a prescription drug from a wholesale facility of a wholesaler to another



wholesale facility of the wholesaler shall not be deemed a purchase or sale of a prescription drug pursuant to this section if the wholesaler is a corporation whose securities are publicly traded and regulated by the Securities Exchange Act of 1934.

Sec. 18. NRS 639.2801 is hereby amended to read as follows:

639.2801 Unless specified to the contrary in writing on the prescription by the prescribing practitioner, all prescriptions filled by any practitioner must be dispensed in a container to which is affixed a label or other device which clearly shows:

1. The date.
2. The name, address and prescription serial number of the practitioner who filled the prescription.
3. The names of the prescribing practitioner and of the person for whom prescribed.
4. The number of dosage units.
5. Specific directions for use given by the prescribing practitioner.
6. The expiration date of the effectiveness of the drug or medicine dispensed, if that information is ~~required to be~~ included on the original label of the manufacturer of ~~the~~ that drug or medicine. ~~[The practitioner shall not specify on the label or other device for the drug or medicine an expiration date that is earlier than] If the expiration date specified by the manufacturer [on the original label]~~  
*is not less than 1 year after the date of dispensing, the practitioner may use a date that is 1 year after the date of dispensing as the expiration date.*
7. The proprietary or generic name of the drug or medicine as written by the prescribing practitioner.
8. The strength of the drug or medicine.

↪ The label must contain the warning:

Caution: Do not use with alcohol or nonprescribed drugs without consulting the prescribing practitioner."

Amend sec. 13, page 10, by deleting lines 34 and 35 and inserting:

"Sec. 20. 1. This section and sections 1 to 14, inclusive, and 16 to 19, inclusive, of this act become effective on October 1, 2005."

Amend sec. 13, page 10, line 36, by deleting "9" and inserting "14".

Amend sec. 13, page 11, line 4, by deleting "10" and inserting "15".

Amend the title of the bill by deleting the eleventh through fifteenth lines and inserting: "with the laws relating to wholesalers; requiring the State Board of Pharmacy to ensure the safe and efficient operation of wholesalers and the integrity and propriety of transactions involving wholesalers; revising provisions governing the sale and purchase of prescription drugs by wholesalers;"

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 37.

Remarks by Senator Townsend.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 45.

The following Assembly amendment was read:

Amendment No. 741.

Amend section 1, page 2, by deleting lines 1 and 2 and inserting: "of the installment of taxes. ~~[The tax receiver forthwith shall forward one copy of the protest to the Attorney General and one copy to~~".

Amend the title of the bill, second line, after "provide" by inserting: "the Attorney General and".

Amend the summary of the bill to read as follows:

"SUMMARY—Eliminates requirement that Attorney General and State Controller receive copy of written protest filed by property owner concerning property taxes. (BDR 32-166)".

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 45.

Remarks by Senator McGinness.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 120.

The following Assembly amendment was read:

Amendment No. 1054.

Amend section 1, page 2, by deleting lines 17 and 18 and inserting: "trauma unless the hospital meets the standards ~~[3.]~~ established pursuant to this subsection.

3. *Each county or district board of health in a county whose population is 400,000 or more shall adopt regulations which establish the standards for the designation of hospitals in the county as centers for the treatment of trauma which are consistent with the regulations adopted by the State Board of Health pursuant to subsection 2. A county or district board of health shall not approve a proposal to designate a hospital as a center for the treatment of trauma unless the hospital meets the standards established pursuant to this subsection.*

4. *A proposal to designate a hospital located in a county whose population is 400,000 or more as a center for the treatment of trauma:*

*(a) Must be approved by the Administrator of the Health Division and by the county or district board of health of the county in which the hospital is located; and*

*(b) May not be approved unless the county or district board of health of the county in which the hospital is located has established and adopted a comprehensive trauma system plan concerning the treatment of trauma in the county, which includes, without limitation, consideration of the future trauma needs of the county, consideration of and plans for the development and designation of new centers for the treatment of trauma in the county based on*

*the demographics of the county and the manner in which the county may most effectively provide trauma services to persons in the county.*

5. Upon approval by the Administrator of the Health Division *and, if the hospital is located in a county whose population is 400,000 or more, the county or district board of health of the county in which the hospital is located,*".

Amend section 1, page 2, line 20, by deleting "he" and inserting: "~~he~~ the Administrator of the Health Division".

Amend section 1, page 2, line 28, by deleting "subsection 2." and inserting: "~~subsection 2.~~ subsections 2 and 3."

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The amendatory provisions of this act do not affect any hospital that has been designated as a center for the treatment of trauma before October 1, 2005."

Amend the title of the bill to read as follows:

"AN ACT relating to emergency medical services; making various changes concerning programs for the treatment of trauma and the designation of hospitals as centers for the treatment of trauma in larger counties; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning treatment of trauma and centers for treatment of trauma. (BDR 40-885)".

Senator Heck moved that the Senate concur in the Assembly amendment to Senate Bill No. 120.

Remarks by Senator Heck.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 126.

The following Assembly amendment was read:

Amendment No. 1075.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Chapter 616A of NRS is hereby amended by adding thereto a new section to read as follows:

*The Administrator shall include on any notice or form that is provided to injured employees and is on the Internet website of the Division, contact information for the Office for Consumer Health Assistance created pursuant to NRS 223.550.*

Sec. 3. 1. There is hereby appropriated from the Fund for Workers' Compensation and Safety created by NRS 616A.425 to the Office for Consumer Health Assistance in the Office of the Governor the sum of \$171,070 for the additional costs required pursuant to the amendatory provisions of section 1 of this act.

2. Any remaining balance of the money appropriated by subsection 1 must not be committed for expenditure after June 30, 2007, and must be reverted to the Fund for Workers' Compensation and Safety on or before September 21, 2007."

Amend the title of the bill to read as follows:

"AN ACT relating to consumer health; requiring the Director of the Office for Consumer Health Assistance in the Office of the Governor to employ persons who have experience in the field of industrial relations; requiring the Administrator of the Division of Industrial Relations of the Department of Business and Industry to include contact information for the Office for Consumer Health Assistance on notices and forms provided to injured workers and on the Internet website of the Division; making an appropriation from the Fund for Workers' Compensation and Safety to the Office for Consumer Health Assistance; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to Office for Consumer Health Assistance. (BDR 18-246)".

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 126.

Remarks by Senator Townsend.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 181.

The following Assembly amendment was read:

Amendment No. 829.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 373.080 is hereby amended to read as follows:

373.080 All motor vehicle fuel taxes collected during any month by the Department pursuant to contract with any county shall be transmitted each month by the Department to such county and the Department shall charge the county for the Department's services specified in this section and in NRS 373.070 ~~[such]~~ :

1. *Such* amount as will reimburse the Department for the cost to it of rendering the services ~~[ ]~~ ; or

2. *In the case of a motor vehicle fuel tax imposed pursuant to NRS 373.065, 1 percent of the tax collected by the Department.*".

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 181.

Remarks by Senator McGinness.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 189.

The following Assembly amendment was read:

Amendment No. 914.

Amend section 1, page 2, by deleting lines 21 through 35 and inserting:

"3. *If a manufacturer or distributor changes the area of primary responsibility of a dealer, the change constitutes a modification of the franchise of the dealer for the purposes of NRS 482.36311 to 482.36425, inclusive. As used in this subsection, "area of primary responsibility" means the geographic area in which a dealer, pursuant to a franchise agreement, is responsible for selling, servicing and otherwise representing the products of a manufacturer or distributor.*"

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 189.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 233.

The following Assembly amendment was read:

Amendment No. 759.

Amend sec. 2, page 3, by deleting lines 3 through 6 and inserting:

"4. *A local governing body may adopt reasonable restrictions regarding the time, place,*"

Amend sec. 2, page 3, line 16, after "7." by inserting: "*A local governing body may not charge any fee for issuing an annual permit pursuant to this section.*"

8."

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 233.

Remarks by Senator McGinness.

Conflict of interest declared by Senator Raggio.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 238.

The following Assembly amendment was read:

Amendment No. 915.

Amend section 1, page 2, line 14, by deleting "4" and inserting "[4] 5".

Amend sec. 3, page 3, line 44, by deleting "~~or~~" and inserting "or".

Amend sec. 3, page 4, by deleting lines 2 through 8 and inserting: "letter of advice in accordance with the provisions of subsection [4.] 5.

2. A public utility shall *adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.*

3. *A public utility shall post copies of all proposed schedules".*

Amend sec. 3, page 4, line 13, by deleting "3." and inserting "{3-} 4."

Amend sec. 3, page 4, by deleting line 20 and inserting:

"{4-} 5. Except as otherwise provided in subsection {5-} 6, if the".

Amend sec. 3, page 4, line 29, by deleting "5." and inserting "{5-} 6."

Amend sec. 3, page 4, by deleting line 36 and inserting:

"{6-} 7. In making the determination pursuant to subsection {4-or-5-} 5 or 6,".

Amend sec. 4, page 6, line 8, after "of" by inserting "all".

Amend sec. 4, page 6, by deleting line 9 and inserting: "*in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date*".

Amend sec. 4, page 6, line 19, after "subsection" by inserting: "*and evidence relevant to the statement*".

Amend sec. 4, page 7, lines 8 and 9, by deleting: "*if the public utility is authorized to adjust*" and inserting: "*and which adjusts*".

Amend sec. 4, page 7, line 12, by deleting "may" and inserting "must".

Amend sec. 4, page 8, line 25, by deleting "4" and inserting "{4} 5".

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 238.

Remarks by Senator Townsend.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 245.

The following Assembly amendment was read:

Amendment No. 1065.

Amend the bill as a whole by deleting sections 1 through 14 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.*

Sec. 4. *"Intrastate driver" means a driver who operates a commercial motor vehicle exclusively within this State for a period of 7 or more consecutive days.*

Sec. 5. 1. *Except as otherwise provided in section 6 of this act, a motor carrier shall not allow or require an intrastate driver to drive, and an intrastate driver shall not drive:*

(a) *Within any 24-hour period:*

(1) *More than 12 hours following 10 consecutive hours off duty; or*

(2) *For any number of hours after having accrued more than 15 consecutive hours of on-duty time; or*

(b) *Within any period of 7 consecutive days, after having accrued 70 hours of on-duty time.*

2. *As used in this section:*

(a) *"Motor carrier" has the meaning ascribed to it in 49 C.F.R. § 350.105.*

(b) *"On-duty time" has the meaning ascribed to it in 49 C.F.R. § 395.2.*

Sec. 6. 1. *Except as otherwise provided in this section, hours-of-service limitations do not apply to an intrastate driver if each of the following conditions is satisfied:*

(a) *The intrastate driver is transporting property or passengers during:*

(1) *A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070; or*

(2) *An emergency declared by an elected local governmental official who is authorized by law to make such a declaration.*

(b) *The employer of the intrastate driver is a public utility.*

(c) *The employer of the intrastate driver, within 1 working day after discovering or otherwise becoming aware of the existence of a public utility emergency, notifies the Department of Public Safety or appropriate local governmental officials of:*

(1) *The fact that a public utility emergency exists; and*

(2) *The date on which and time at which the public utility emergency commenced.*

➡ *The notification required pursuant to this paragraph may be made by telephone, facsimile, electronic communication or hand delivery of a written communication.*

(d) *Within 10 working days after receiving a notification described in paragraph (c), an elected state or local governmental official, or his designee, determines and declares that a public utility emergency exists and that the public utility emergency justifies the transportation of property or passengers during the emergency to ensure the protection of public health and safety by way of the restoration of public utility service or to otherwise provide assistance essential to the public. After making a declaration as described in this paragraph, the elected state or local governmental official, or his designee, as applicable, shall ensure that the declaration is communicated forthwith and without delay to the public utility which made the notification pursuant to paragraph (c).*

2. *For the purposes of paragraph (d) of subsection 1:*

(a) *A declaration by an elected state or local governmental official, or his designee, as applicable, is retroactive to the date on which and time at which the public utility emergency commenced, as communicated in the notification from the relevant public utility, unless the elected state or local governmental official, or his designee, as applicable, determines that the public utility emergency commenced on a different date or at a different time.*

(b) If, after receiving a notification described in paragraph (c) of subsection 1, an elected state or local governmental official, or his designee, as applicable, fails to make a determination and declaration within 10 working days:

(1) The elected state or local governmental official, or his designee, as applicable, shall be deemed to have determined and declared that a public utility emergency exists and that the public utility emergency justifies the transportation of property or passengers during the emergency to ensure the protection of public health and safety by way of the restoration of public utility service or to otherwise provide assistance essential to the public; and

(2) The deemed determination and declaration is retroactive to the date on which and time at which the public utility emergency commenced, as communicated in the notification from the relevant public utility.

3. An employer who notifies a public official of the existence of a public utility emergency as described in subsection 1 shall maintain documentation of the public utility emergency for 6 months and shall make such documentation available to a law enforcement officer upon request.

4. The provisions of this section do not apply to the extent that those provisions:

(a) Are preempted or prohibited by federal law; or

(b) Violate a condition to the receipt of federal money by this State or a political subdivision of this State.

5. As used in this section:

(a) "Hours-of-service limitations" means:

(1) The limitations set forth in section 5 of this act; and

(2) Any limitations set forth in federal law as to the number of hours that an interstate driver may drive, which limitations would otherwise be imposed upon intrastate drivers pursuant to regulations adopted by reference by the Authority, Department of Motor Vehicles or Department of Public Safety.

(b) "Public utility" has the meaning ascribed to it in NRS 704.020.

(c) "Public utility emergency" means a natural or man-made emergency that affects the facilities of a public utility and:

(1) Interrupts delivery of essential services, including, without limitation, electricity, natural gas, medical care, sewer service, water service or telecommunications service;

(2) Interrupts delivery of essential supplies, including, without limitation, food and fuel; or

(3) Otherwise threatens human life or public welfare.

↪ The term includes, without limitation, a tornado, windstorm, thunderstorm, snowstorm, ice storm, blizzard, drought, mudslide, flood, high water, earthquake, forest fire, explosion or power outage.

Sec. 7. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, and sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words



and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 706.776 is hereby amended to read as follows:

706.776 1. ~~{The}~~ *Except as otherwise provided in sections 2 to 6, inclusive, of this act, the owner or operator of a motor vehicle to which any provisions of NRS 706.011 to 706.861, inclusive, and sections 2 to 6, inclusive, of this act apply*, carrying passengers or property on any highway in the State of Nevada shall not require or permit any driver of the motor vehicle to drive it in any one period longer than the time permitted for that period by the order of the Authority or the Department.

2. In addition to other persons so required, the Labor Commissioner shall enforce the provisions of this section.

Sec. 9. This act becomes effective on July 1, 2005."

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 245.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 256.

The following Assembly amendment was read:

Amendment No. 916.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sections 4 and 5 as sections 2 and 3.

Amend sec. 4, page 6, line 4, by deleting "~~{11,}~~ 12," and inserting "11,".

Amend sec. 4, page 6, line 12, by deleting "240" and inserting "210".

Amend sec. 4, page 8, by deleting lines 14 through 23 and inserting:

"9. If an electric utility files an application to clear its deferred".

Amend sec. 4, page 8, line 31, by deleting "~~{10,}~~ 11." and inserting "10.".

Amend sec. 4, page 8, line 37, by deleting "~~{11,}~~ 12." and inserting "11.".

Amend sec. 4, page 9, line 3, by deleting "~~{12,}~~ 13." and inserting "12.".

Amend sec. 5, page 10, by deleting lines 1 through 8 and inserting:

"4. An electric utility using deferred accounting may file ~~{an}~~ a".

Amend sec. 5, page 10, by deleting lines 16 through 20 and inserting:

"5. ~~{The Commission shall adopt regulations prescribing the period within which an electric utility must file an application to clear its deferred accounts after the end of a period of deferred accounting.~~

~~6.}~~ As used in this section:".

Amend the bill as a whole by renumbering sections 6 and 7 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 5, to read as follows:

"Sec. 4. NRS 704.7815 is hereby amended to read as follows:

704.7815 "Renewable energy system" means:

1. A facility or energy system that:

(a) Uses renewable energy or energy from a qualified energy recovery process to generate electricity; ~~and~~

~~(b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process via:~~

~~(1) A power line which is dedicated to the transmission or distribution of electricity generated from renewable energy or energy from a qualified energy recovery process and which is connected to a facility or system owned, operated or controlled by a provider of electric service; or~~

~~(2) A power line which is shared with not more than one facility or energy system generating electricity from nonrenewable energy and which is connected to a facility or system owned, operated or controlled by a provider of electric service.]~~

(b) *Either:*

*(1) Is directly connected to a provider of electric service through the use of a dedicated transmission or distribution line; or*

*(2) Schedules and delivers, either directly or through a contract path transaction, the electricity it generates from a renewable energy system or from a qualified energy recovery process to a provider of electric service; and*

*(c) Has a commercial operation date on or after July 1, 2005, has applied to, petitioned for or sought an advisory opinion from the Commission to be registered as a renewable energy system before July 1, 2005, or is currently providing electricity to a provider of electric service using renewable energy or energy from a qualified energy recovery process. As used in this paragraph, "commercial operation date" means the date the facility first produces electrical energy, for any purpose, at its current location or any former location.*

2. A solar energy system that reduces the consumption of electricity, natural gas or propane.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive."

Amend the title of the bill to read as follows:

"AN ACT relating to public utilities; revising certain provisions relating to the regulation of public utilities; changing the date on which the Public Utilities Commission of Nevada must mail certain report forms to public utilities and other regulated entities; revising certain provisions relating to changes in schedules; revising the period within which the Commission must take action on certain applications; revising the period within which an electric utility must file a general rate application; revising the period within which an electric utility must file an application to clear its deferred accounts; and providing other matters properly relating thereto."

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 256.

Remarks by Senator Townsend.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 300.

The following Assembly amendment was read:

Amendment No. 1038.

Amend sec. 2, page 1, line 4, before "who" by inserting: "*or any improvement*".

Amend sec. 8, page 2, line 39, by deleting "sought;" and inserting "sought ~~[;]~~, *unless the agreement otherwise allows or requires such a payment to be made;*".

Amend sec. 8, page 3, lines 19 and 20, by deleting the brackets and strike-through.

Amend sec. 8, page 3, line 24, after "notice" by inserting "*of withholding*".

Amend sec. 8, page 3, line 27, after "of the" by inserting: "*condition or the*".

Amend sec. 8, page 3, by deleting lines 35 through 39 and inserting: "pursuant to subsection 3 ~~[may]~~ *or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:*

(a) *Give the owner a written notice and thereby dispute in good faith and for reasonable cause the amount withheld, or the condition or reason for the withholding; or*

(b) *Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of ~~[a condition described in the notice received pursuant to subsection 3.]~~ the condition or reason for the withholding.* The notice of correction must be".

Amend sec. 8, pages 3 and 4, by deleting line 45 on page 3 and line 1 on page 4, and inserting: "~~[subsection.]~~ paragraph, the owner ~~[must:~~

~~(a)]~~ shall:

(1) *Pay the amount withheld by the owner for that condition or reason for the withholding on*".

Amend sec. 8, page 4, line 3, by deleting "(b)" and inserting "~~[(b)]~~ (2)".

Amend sec. 8, page 4, line 6, after "forth the" by inserting "*condition or*".

Amend sec. 8, page 4, line 10, by deleting "payment" and inserting: "*the payment to be*".

Amend sec. 8, page 4, by deleting line 12 and inserting: "~~[conditions]~~ *the condition or reason for the withholding to which the owner no*".

Amend sec. 8, page 4, line 14, by deleting "provided" and inserting "*allowed*".

Amend sec. 8, page 4, by deleting lines 15 and 16 and inserting: "*owner shall not withhold from a payment to be made to a prime contractor more than the retention amount.*".

Amend sec. 9, page 4, by deleting lines 26 through 28 and inserting:

"(c) After receipt of a notice of withholding given pursuant to subsection 3 or 4 of NRS 624.609, the prime contractor gives the owner written notice pursuant to subsection 4 of NRS 624.609 and thereby disputes in good faith and for reasonable cause the amount withheld or the condition or reason for the withholding; or".

Amend sec. 9, page 4, line 29, after "that a" by inserting "written".

Amend sec. 9, page 4, line 33, by deleting "unreasonable," and inserting: "unreasonable or does not contain sufficient information to make a determination,".

Amend sec. 9, page 4, line 35, by deleting "unreasonable," and inserting: "unreasonable or explain that additional information and time are necessary to make a determination,".

Amend sec. 9, page 5, by deleting lines 40 and 41 and inserting: "any ~~profit and~~ overhead the prime contractor ~~incurred or~~ and his lower-tiered-subcontractors and suppliers incurred and profit the prime contractor and his lower-tiered subcontractors and suppliers earned".

Amend sec. 9, page 6, line 15, after "contractor" by inserting: "and his lower-tiered subcontractors and suppliers".

Amend sec. 9, page 6, by deleting line 17 and inserting: "~~contract~~ agreement without a reasonable ~~cause,~~ basis in law or fact, the trier of fact may".

Amend sec. 9, page 6, line 34, by deleting "~~his~~" and inserting "his".

Amend sec. 9, page 6, line 35, by deleting "subcontractors," and inserting: "subcontractors ~~and~~ or suppliers,".

Amend sec. 9, page 6, by deleting lines 37 through 39 and inserting: "prime contractor ~~or subcontractor~~ or lower-tiered ~~subcontractor stopping his~~ subcontractors or suppliers stopping their work or the provision of materials or equipment or terminating ~~a contract for reasonable cause~~ an agreement for a reasonable basis in law or fact and in accordance with this section or".

Amend sec. 10, page 7, line 36, by deleting "or" and inserting "and".

Amend sec. 10, page 7, line 37, after "subcontractors" by inserting "and suppliers".

Amend sec. 10, page 7, line 43, after "notice" by inserting "of withholding".

Amend sec. 10, page 8, line 1, after "of the" by inserting: "condition for which or the".

Amend sec. 10, page 8, line 8, after "notice" by inserting "of withholding".

Amend sec. 10, page 8, by deleting line 9 and inserting: "subsection 3 may correct any condition or reason for the withholding described in the notice of withholding and".

Amend sec. 10, page 8, line 12, by deleting "condition." and inserting: "condition or reason for the withholding.".

Amend sec. 10, page 8, lines 13 and 16, after "condition" by inserting: "or reason for the withholding".

Amend sec. 10, page 8, line 19, by deleting "conditions;" and inserting: "condition ~~[-]~~ or reason for the withholding;"

Amend sec. 10, page 8, line 21, after "condition" by inserting: "or reason for the withholding".

Amend sec. 10, page 8, line 23, by deleting "condition," and inserting: "condition ~~[-]~~ or reason for the withholding,".

Amend sec. 10, page 8, by deleting line 24 and inserting: "nevertheless pay to the *prime* contractor, along with *the* payment to be made".

Amend sec. 10, page 8, line 26, by deleting "conditions" and inserting: "~~conditions~~ the condition or reason for the withholding".

Amend sec. 11, page 9, lines 40 and 41, by deleting: ", 624.620 and 624.622" and inserting "and 624.620".

Amend sec. 11, page 10, line 13, after "and the" by inserting "condition or".

Amend sec. 12, page 11, line 8, by deleting "sought;" and inserting: "sought ~~[-]~~ , unless the agreement otherwise allows or requires such a payment to be made;"

Amend sec. 12, page 11, by deleting line 25 and inserting: "subcontractor and his lower-tiered subcontractors and suppliers ~~[-]~~".

Amend sec. 12, page 11, line 45, before "must:" by inserting "of withholding".

Amend sec. 12, page 12, line 3, after "of the" by inserting: "condition or the".

Amend sec. 12, page 12, line 13, by deleting "may" and inserting: "~~may~~ or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:

(a) Give the higher-tiered contractor a written notice and thereby".

Amend sec. 12, page 12, line 14, after "or" by inserting: "the conditions or".

Amend sec. 12, page 12, by deleting lines 15 and 16 and inserting: "withholding; or

(b) Correct any condition or reason for the".

Amend sec. 12, page 12, line 17, after "notice" by inserting "of withholding".

Amend sec. 12, page 12, line 27, by deleting "subsection," and inserting "~~subsection,~~ paragraph,".

Amend sec. 12, page 12, lines 28 through 30, by deleting: "~~must:~~ shall: (a)" and inserting: "~~must: (a)~~ shall:

(1)".

Amend sec. 12, page 12, line 31, after "condition" by inserting: "or reason for the withholding".

Amend sec. 12, page 12, line 33, by deleting "(b)" and inserting "~~(b)~~ (2)".

Amend sec. 12, page 12, line 36, after "forth the" by inserting "condition or".

Amend sec. 12, page 12, line 41, by deleting "payment" and inserting: "the payment to be".

Amend sec. 12, page 12, line 43, before "conditions" by inserting "the".

Amend sec. 12, page 12, after line 44, by inserting:

"5. Except as otherwise allowed in subsections 2, 3 and 4, a higher-tiered contractor shall not withhold from a payment to be made to a lower-tiered subcontractor more than the retention amount."

Amend sec. 13, page 13, line 27, after "that a" by inserting "written".

Amend sec. 13, page 14, line 3, after "resume" by inserting "his".

Amend sec. 13, page 15, line 7, by deleting "any".

Amend sec. 13, page 15, line 26, by deleting "[may] shall" and inserting "may".

Amend sec. 13, page 15, line 27, after "subcontractor" by inserting: "and his lower-tiered subcontractors and suppliers".

Amend sec. 13, page 15, line 29, after "without" by inserting "a".

Amend sec. 13, page 15, line 30, by deleting "cause," and inserting: "[cause,] basis in law or fact,".

Amend sec. 13, page 16, line 5, by deleting "subcontractors," and inserting: "subcontractors ~~[-]~~ or suppliers,".

Amend sec. 13, page 16, by deleting lines 8 and 9 and inserting: "[subcontractor ~~—or~~] lower-tiered subcontractor and his lower-tiered-subcontractors and suppliers stopping ~~[his]~~ their work or the provision of materials or equipment or terminating ~~[a subcontract for reasonable cause]~~ an agreement for a reasonable basis in law or fact and".

Amend sec. 14, page 17, line 27, after "and the" by inserting "condition or".

Amend sec. 15, page 17, line 41, after "~~contractor~~" by inserting: "higher of:

1. The".

Amend sec. 15, page 17, by deleting lines 42 and 43 and inserting: "between the parties; or

2. The rate equal to the prime rate at the largest bank in this".

Amend sec. 15, page 18, line 3, by deleting "1." and inserting "(a)".

Amend sec. 15, page 18, line 4, by deleting "2." and inserting "(b)".

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 300.

Remarks by Senator Townsend.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 332.

The following Assembly amendment was read:

Amendment No. 681.

Amend the bill as a whole by deleting sec. 29 and renumbering sections 30 through 34 as sections 29 through 33.

Amend sec. 34, page 25, line 2, by deleting: "30, 32 and 33" and inserting: "31 and 32".

Amend sec. 34, page 25, line 5, by deleting "30" and inserting "29".

Amend sec. 34, page 25, line 16, by deleting "31" and inserting "30".

Amend the title of the bill, page 2, second line, by deleting "revising fees;".

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 332.

Remarks by Senator Townsend.

Conflict of interest declared by Senator Raggio.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 339.

The following Assembly amendment was read:

Amendment No. 1085.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. In addition to the determinations made pursuant to NRS 612.340, the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall, on or before January 1, 2007, determine the average hourly wage in the State and in each county for nonmanagerial employees.

2. The Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall establish a method to determine the average hourly wage in the State and in each county which segregates wages for nonmanagerial employees from wages for managerial and administrative employees. The Administrator shall identify and define the various types of managerial and administrative positions to allow the computation of a wage that represents the average hourly wage paid to nonmanagerial employees.

3. The Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation shall report to the 74th Session of the Legislature the information determined pursuant to subsections 1 and 2 and recommendations concerning changes in the average hourly wage required to be paid to managerial and nonmanagerial employees to be eligible for the partial abatement of taxes pursuant to NRS 360.750 and 361.0687."

Amend sec. 4, page 10, line 1, by deleting: "1 and 2" and inserting: "1, 2 and 4".

Amend the title of the bill, eighth line, after "governments;" by inserting: "requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to determine the average hourly wage for nonmanagerial employees and report to the Legislature concerning the average hourly wage required to be paid to be eligible for the partial abatement of certain taxes;".

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 339.

Remarks by Senator McGinness.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 358.

The following Assembly amendment was read:

Amendment No. 990.

Amend sec. 2, page 2, line 27, by deleting "2005." and inserting "2006."

Amend sec. 2, page 3, line 10, by deleting "2005." and inserting "2006."

Amend the bill as a whole by deleting sec. 5.

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 358.

Remarks by Senator McGinness.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 365.

The following Assembly amendment was read:

Amendment No. 980.

Amend section 1, page 1, line 2, by deleting "shall" and inserting: "shall, after consultation with the State Public Works Board,".

Amend section 1, page 2, line 5, after "accessibility" by inserting "and confidentiality".

Amend section 1, page 3, line 6, after "6." by inserting: "After the statewide mapping system is established pursuant to this section, each state agency and political subdivision that participates in the system shall submit to the Commission any initial or final plan for a public work.

7."

Amend section 1, page 3, by deleting lines 9 and 10 and inserting:

"(b) "Commission" means the Nevada Commission on Homeland Security created by NRS 239C.120."

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to public safety; requiring the Nevada Commission on Homeland Security to establish a statewide mapping".

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 365.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 397.

The following Assembly amendment was read:

Amendment No. 830.



Amend section 1, page 1, line 2, by deleting: "2 to 9, inclusive," and inserting: "2, 3 and 4".

Amend the bill as a whole by deleting sections 2 through 6 and renumbering sections 7 through 20 as sections 2 through 15.

Amend sec. 8, page 4, line 14, after "*by*" by inserting "*certified*".

Amend sec. 15, page 8, by deleting lines 24 through 33 and inserting:

"502.120 1. ~~Every~~ Each person required to have a license *or permit* as".

Amend sec. 15, page 8, by deleting lines 42 and 43 and inserting:

"2. ~~Every~~ Each person required to have a license *or permit* as".

Amend sec. 16, page 9, line 22, by deleting "48" and inserting "24".

Amend the bill as a whole by deleting sec. 21 and renumbering sec. 22 as sec. 16.

Amend sec. 22, page 14, by deleting lines 15 and 16 and inserting:

"Sec. 16. This section and sections 1 to 14, inclusive, of this act become effective on October 1, 2005."

Amend sec. 22, page 14, line 17, by deleting "19" and inserting "14".

Amend sec. 22, page 14, line 28, by deleting "20" and inserting "15".

Amend the title of the bill by deleting the first through fifth lines and inserting:

"AN ACT relating to wildlife; increasing the number of demerit points a person is allowed to accumulate before the Department of Wildlife is required to notify the person; increasing the".

Senator Rhoads moved that the Senate concur in the Assembly amendment to Senate Bill No. 397.

Remarks by Senator Rhoads.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 428.

The following Assembly amendment was read:

Amendment No. 911.

Amend sec. 2, page 3, line 16, after "*officer*" by inserting: "*in a contested case*".

Senator Cegavske moved that the Senate concur in the Assembly amendment to Senate Bill No. 428.

Remarks by Senator Cegavske.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 477.

The following Assembly amendment was read:

Amendment No. 902.

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 14 as sections 9 through 13.

Senator Cegavske moved that the Senate concur in the Assembly amendment to Senate Bill No. 477.

Remarks by Senator Cegavske.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 509.

The following Assembly amendment was read:

Amendment No. 1003.

Amend section 1, page 1, line 2, by deleting "5," and inserting "22,".

Amend the bill as a whole by renumbering sections 2 through 5 as sections 19 through 22 and adding new sections designated sections 2 through 18, following section 1, to read as follows:

"Sec. 2. *As used in sections 3 to 7, inclusive, of chapter 20, Statutes of Nevada 2005, and sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Abatement percentage" means, with regard to any property for which the owner thereof is entitled to a partial abatement from taxation pursuant to:*

1. *Section 3 or 3.5 of chapter 20, Statutes of Nevada 2005, 3 percent;*
2. *Subsection 1 of section 4 of chapter 20, Statutes of Nevada 2005, the percentage determined pursuant to paragraph (b) of that subsection; or*
3. *Subsection 2 of section 4 of chapter 20, Statutes of Nevada 2005, the percentage determined pursuant to paragraph (b) of that subsection.*

Sec. 4. *"Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.*

Sec. 5. *"Base-year assessed value" means the amount of the assessed value of the taxable property in a redevelopment area which is used for determining the amount of any distribution of the proceeds of ad valorem taxes to the redevelopment taxing entities in accordance with paragraph (a) of subsection 1 of NRS 279.676.*

Sec. 6. *"Base-year assessed value percentage" means the percentage that results from dividing the base-year assessed value for a redevelopment area by the sum obtained by adding:*

1. *The base-year assessed value for the redevelopment area; and*
2. *Any incremental assessed value for the redevelopment area for the current year.*

Sec. 7. *"Combined overlapping tax rate" means the total ad valorem tax rate levied on a parcel or other taxable unit of property, excluding any portion thereof which is:*

1. *Exempt pursuant to section 5.5 or subsection 3 of section 6 of chapter 20, Statutes of Nevada 2005, from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005; or*

2. *Approved and levied pursuant to section 7 of chapter 20, Statutes of Nevada 2005, and exempt from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005.*

Sec. 8. *"Incremental assessed value" means the amount of the assessed value of the taxable property in a redevelopment area which is used for determining the amount of any distribution of the proceeds of ad valorem taxes to the redevelopment agency in accordance with paragraph (b) of subsection 1 of NRS 279.676.*

Sec. 9. *"Parcel-proportionate share of the base value" means the product of:*

1. *The assessed value of a parcel or other taxable unit of property for the current year; and*

2. *The base-year assessed value percentage for the current year for the redevelopment area in which the parcel or other taxable unit of property is located.*

Sec. 10. *"Redevelopment agency" means a redevelopment agency created pursuant to chapter 279 of NRS to which any of the proceeds of the ad valorem taxes levied in the redevelopment area are distributed in accordance with paragraph (b) of subsection 1 of NRS 279.676.*

Sec. 11. *"Redevelopment area" means a redevelopment area created pursuant to chapter 279 of NRS regarding which the redevelopment plan contains the provision authorized by NRS 279.676.*

Sec. 12. *"Redevelopment taxing entity" means a taxing entity to which any of the proceeds of the ad valorem taxes levied in a redevelopment area are distributed in accordance with paragraph (a) of subsection 1 of NRS 279.676.*

Sec. 13. *"Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.*

Sec. 14. 1. *On or before August 1 of each fiscal year, the tax receiver of each county in which is located a redevelopment area for which there is any incremental assessed value shall determine for each parcel or other taxable unit of property in that redevelopment area, other than any property to which subsection 2 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:*

*(a) The amount which equals the lesser of:*

*(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or*

*(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:*

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323 and apportioned to a redevelopment area for which there is any incremental assessed value, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or

(2) The product of the parcel-proportionate share of the base value for that property for the current fiscal year and the greater of:

(I) Zero; or

(II) The rate that results when the rate obtained by adding the combined overlapping tax rate for that property for the immediately preceding fiscal year to a percentage of that rate which is equal to the abatement percentage applicable to the property for the current fiscal year, is subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

(1) The amount determined pursuant to paragraph (a); and

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005, which is determined pursuant to:

*(a) Paragraph (a) of subsection 1 or paragraph (a) of subsection 2 for each such parcel or other taxable unit of property for which the combined overlapping tax rate for the current fiscal year has increased from the combined overlapping tax rate for the immediately preceding fiscal year by a percentage that exceeds the abatement percentage for that property, must be deducted from the amount of ad valorem taxes that each redevelopment taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year from the ad valorem taxes levied on the base-year assessed value for that property in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year; and*

*(b) Paragraph (b) of subsection 1 or paragraph (b) of subsection 2 must be deducted from the amount of ad valorem taxes the redevelopment agency and each redevelopment taxing entity would otherwise be entitled to receive pursuant to paragraphs (b), (c) and (d) of subsection 1 of NRS 279.676 for the current fiscal year in the same proportion as each of those entities would otherwise share in the total amount distributed pursuant to those paragraphs.*

Sec. 15. 1. *On or before August 1 of each fiscal year, the tax receiver of each county shall determine for each parcel or other taxable unit of property located in that county, other than any property to which subsection 2 or section 14 of this act applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:*

*(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or*

*(b) The product of the assessed value of the property for the current fiscal year and the difference between:*

*(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and*

*(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.*

2. *On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323, other than any property to which section 14 of this act applies, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping*

*tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:*

*(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to section 3, 3.5 or 4 of chapter 20, Statutes of Nevada 2005, for the current fiscal year; or*

*(b) The product of the assessed value of the property for the current fiscal year and the difference between:*

*(1) The combined overlapping tax rate applicable to the property for the current fiscal year; and*

*(2) The combined overlapping tax rate applicable to the property for the immediately preceding fiscal year.*

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005, which is determined pursuant to subsection 1 or 2 must be deducted from the amount of ad valorem taxes that each taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year.

Sec. 16. Notwithstanding any other provision of sections 3 to 7, inclusive, of chapter 20, Statutes of Nevada 2005, and sections 2 to 17, inclusive, of this act to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:

1. The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of section 3, paragraph (a) of subsection 1 of section 3.5, paragraph (a) of subsection 1 of section 4 or paragraph (a) of subsection 2 of section 4 of chapter 20, Statutes of Nevada 2005, with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of sections 3 to 7, inclusive, of chapter 20, Statutes of Nevada 2005, and sections 2 to 17, inclusive, of this act, the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is

*entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.*

Sec. 17. 1. *The Committee on Local Government Finance may adopt:*

*(a) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of sections 14, 15 and 16 of this act; and*

*(b) Regulations which provide, in a manner that is consistent with the provisions of sections 14, 15 and 16 of this act, methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of sections 3, 3.5 and 4 of chapter 20, Statutes of Nevada 2005, if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after the effective date of this act.*

*2. Any regulations adopted by the Committee on Local Government Finance pursuant to this section must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.*

Sec. 18. 1. *On or before March 5 of each year, the county assessor of each county shall provide to the Department, in addition to the information provided pursuant to NRS 361.390, such information regarding each parcel or other taxable unit of property in the county as the Department determines to be necessary to carry out subsection 2.*

*2. On or before March 25 of each year, the Department shall provide to each local government in this State a projection of the revenue the local government may receive for the upcoming fiscal year from ad valorem taxes."*

Amend sec. 3, page 2, by deleting line 24 and inserting: *"failed to claim the partial abatement before the extension of the tax roll for that fiscal year pursuant to NRS 361.465, the tax"*.

Amend the bill as a whole by renumbering sections 6 through 9 as sections 25 through 28 and adding new sections designated sections 23 and 24, following sec. 5, to read as follows:

"Sec. 23. NRS 361.4545 is hereby amended to read as follows:

361.4545 1. On or before May 5 of each year, ~~for within 5 days after receiving the projections of revenue from the Department, whichever is later,~~ the ex officio tax receivers shall prepare and cause to be published in a newspaper of general circulation in their respective counties, a notice which contains at least the following information:

(a) A statement that the notice is not a bill for taxes owed but an informational notice. The notice must state:

(1) That public hearings will be held on the dates listed in the notice to adopt budgets and tax rates for the fiscal year beginning on July 1;

(2) That the purpose of the public hearings is to receive opinions from members of the public on the proposed budgets and tax rates before final action is taken thereon; and

(3) The tax rate to be imposed by the county and each political subdivision within the county for the ensuing fiscal year if the tentative budgets which affect the property in those areas become final budgets.

(b) A brief description of the limitation imposed by the Legislature on the revenue of the local governments.

(c) The dates, times and locations of all of the public hearings on the tentative budgets which affect the taxes on property.

(d) The names and addresses of the county assessor and ex officio tax receiver who may be consulted for further information.

(e) A brief statement of how property is assessed and how the combined tax rate is determined.

↪ The notice must be displayed in the format used for news and must be printed on at least one-half of a page of the newspaper.

2. Each ex officio tax receiver shall prepare and cause to be published in a newspaper of general circulation within the county:

(a) A notice, displayed in the format used for news and printed in not less than 8-point type, disclosing any increase in the property taxes as a result of any change in the tentative budget.

(b) A notice, displayed in the format used for advertisements and printed in not less than 8-point type on at least one quarter of a page of the newspaper, disclosing any amount in cents on each \$100 of assessed valuation by which the highest combined tax rate for property in the county exceeds \$3.64 on each \$100 of assessed valuation.

↪ These notices must be published within 10 days after the receipt of the information pursuant to NRS 354.596.

Sec. 24. NRS 361.455 is hereby amended to read as follows:

361.455 1. Unless individual tax rates are reduced pursuant to NRS 361.4547, immediately upon adoption of the final budgets, if the combined tax rate exceeds the limit imposed by NRS 361.453, the chairman of the board of county commissioners in each county concerned shall call a meeting of the governing boards of each of the local governments within the county for the purpose of establishing a combined tax rate that conforms to the statutory limit. The chairman shall convene the meeting no later than June ~~{13}~~ 20 of each year.

2. The governing boards of the local governments shall meet in public session and the county clerk shall keep appropriate records, pursuant to regulations of the Department, of all proceedings. The costs of taking and preparing the record of the proceedings, including the costs of transcribing and summarizing tape recordings, must be borne by the county and participating incorporated cities in proportion to the final tax rate as certified by the Department. The chairman of the board of county commissioners or his designee shall preside at the meeting. The governing boards shall explore



areas of mutual concern so as to agree upon a combined tax rate that does not exceed the statutory limit.

3. The governing boards shall determine final decisions by a unanimous vote of all entities present and qualified to vote, as defined in this subsection. No ballot may be cast on behalf of any governing board unless a majority of the individual board is present. A majority vote of all members of each governing board is necessary to determine the ballot cast for that entity. All ballots must be cast not later than the day following the day the meeting is convened. The district attorney is the legal adviser for such proceedings.

4. The county clerk shall immediately thereafter advise the Department of the results of the ballots cast and the tax rates set for local governments concerned. If the ballots for the entities present at the meeting in the county are not unanimous, the county clerk shall transmit all records of the proceedings to the Department within 5 days after the meeting.

5. If a unanimous vote is not obtained and the combined rate in any county together with the established state tax rate exceeds the statutory limit, the Department shall examine the record of the discussions and the budgets of all local governments concerned. On June 25 or, if June 25 falls on a Saturday or Sunday, on the Monday next following, the Nevada Tax Commission shall meet to set the tax rates for the next succeeding year for all local governments so examined. In setting the tax rates for the next succeeding year the Nevada Tax Commission shall not reduce that portion of the proposed tax rate of the county school district for the operation and maintenance of public schools.

6. Any local government affected by a rate adjustment, made in accordance with the provisions of this section, which necessitates a budget revision shall file a copy of its revised budget by July 30 next after the approval and certification of the rate by the Nevada Tax Commission.

7. A copy of the certificate of the Nevada Tax Commission sent to the board of county commissioners must be forwarded to the county auditor."

Amend sec. 6, page 3, by deleting line 20 and inserting: "sections 5 ~~and~~ to 7 , inclusive, of this act, the owner of a single-family".

Amend sec. 6, page 4, line 5, by deleting "The amount" and inserting: "~~The~~ Except as otherwise required to carry out the provisions of sections 14 to 17, inclusive, of Senate Bill No. 509 of this session and any regulations adopted pursuant thereto, the amount".

Amend sec. 7, page 5, by deleting line 45 and inserting: "sections 5 ~~and~~ to 7 , inclusive, of this act, if the amount of rent collected".

Amend sec. 7, page 6, line 35, by deleting "The amount" and inserting: "~~The~~ Except as otherwise required to carry out the provisions of sections 14 to 17, inclusive, of Senate Bill No. 509 of this session and any regulations adopted pursuant thereto, the amount".

Amend sec. 8, page 7, by deleting line 20 and inserting: "sections 5 ~~and~~ to 7 , inclusive, of this act, the owner of any parcel or".

Amend sec. 8, page 8, by deleting line 13 and inserting: "out the provisions of sections 5 ~~and~~ to 7, inclusive, of this act, the owner".

Amend sec. 8, page 9, line 21, by deleting "The amount" and inserting: "~~The~~ Except as otherwise required to carry out the provisions of sections 14 to 17, inclusive, of Senate Bill No. 509 of this session and any regulations adopted pursuant thereto, the amount".

Amend the bill as a whole by renumbering sections 10 through 13 as sections 30 through 33 and adding a new section designated sec. 29, following sec. 9, to read as follows:

"Sec. 29. Chapter 20, Statutes of Nevada 2005, is hereby amended by adding thereto a new section designated sec. 5.5, following sec. 5, to read as follows:

Sec. 5.5. 1. *Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of this act.*

2. *For the purposes of this section, "taxing entity" does not include the State."*

Amend sec. 10, page 12, by deleting lines 7 through 15 and inserting:

"4. For the purposes of this section, "taxing entity" ~~[means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~ *does not include the State."*

Amend sec. 11, page 13, by deleting lines 13 through 21 and inserting:

"5. For the purposes of this section, "taxing entity" ~~[means any political subdivision or other legal entity, other than the State, which has the right to receive money from any ad valorem taxes levied in a county.]~~ *does not include the State."*

Amend the bill as a whole by deleting sec. 14 and renumbering sec. 15 as sec. 34.

Amend sec. 15, page 15, line 13, by deleting "or 9".

Amend sec. 15, page 15, by deleting lines 29 through 33 and inserting: "↪ for all purposes, including, without limitation, for the purposes of section 7 of Senate Bill No. 509 of this session, to be approved and levied pursuant to section 7 of this act and to be exempt from each partial abatement from taxation provided pursuant to sections 3, 3.5 and 4 of this act."

Amend the bill as a whole by renumbering sec. 16 as sec. 37 and adding new sections designated sections 35 and 36, following sec. 15, to read as follows:

"Sec. 35. Section 9 of chapter 20, Statutes of Nevada 2005, is hereby repealed.

Sec. 36. Notwithstanding any provision of section 14 or 15 of this act to the contrary, the tax receiver of each county and the Department of Taxation:

1. Are not required to carry out the provisions of those sections before August 2, 2005; and

2. Shall carry out the provisions of those sections on or before October 1, 2005."

Amend sec. 16, page 15, by deleting lines 38 and 39 and inserting:

"Sec. 37. 1. This section and sections 1 to 17, inclusive, 19 to 22, inclusive, and 24 to 36, inclusive, of this act become effective upon passage and approval.

2. Sections 18 and 23 of this act become effective on January 1, 2006."

Amend the bill as a whole by adding the text of the repealed section, following sec. 16, to read as follows:

"

#### TEXT OF REPEALED SECTION

Section 9 of chapter 20, Statutes of Nevada 2005:

Sec. 9. Chapter 354 of NRS is hereby amending by adding thereto a new section to read as follows:

1. *A local government may not increase its total ad valorem tax rate for a fiscal year above its total ad valorem tax rate for the immediately preceding fiscal year without the approval of the Nevada Tax Commission, based upon the recommendation of the Committee on Local Government Finance. An application for such approval must be submitted to the Nevada Tax Commission.*

2. *The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out the provisions of this section."*

Amend the title of the bill to read as follows:

"AN ACT relating to the taxation of property; making technical corrections to and providing for the administration of the provisions of Assembly Bill No. 489 of this session; providing for the allocation among taxing entities of certain reductions in ad valorem revenue; specifying the procedure for appealing determinations of the applicability of certain partial abatements of taxes; providing for the correction of the tax roll under certain circumstances when certain claims for a partial abatement are filed late; providing a penalty for falsely claiming to be entitled to certain partial abatements; specifying the order in which certain partial abatements and exemptions must be applied to reduce tax liability; clarifying certain provisions governing the determination of primary residences; exempting certain tax levies from the partial abatements; repealing the requirement for certain approval by the Nevada Tax Commission; and providing other matters properly relating thereto."

Senator McGinness moved that the Senate concur in the Assembly amendment to Senate Bill No. 509.

Remarks by Senator McGinness.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 29.

The following Assembly amendment was read:

Amendment No. 834.

Amend section 1, page 2, by deleting lines 34 and 35 and inserting: "least as effective as any other medical treatment;"

Amend section 1, page 3, by deleting lines 10 through 14 and inserting:

"(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services".

Amend section 1, page 3, line 16, after "(c)" by inserting: "*The cost of any routine health care services that would otherwise be covered under the policy of health insurance for a policyholder or subscriber participating in a Phase I clinical trial or study.*

(d)".

Amend section 1, page 3, by deleting lines 19 through 22 and inserting:

~~"(d)~~ (e) Health care services required for the clinically appropriate monitoring of the policyholder or subscriber during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.

(f) *Health care services which are required for the clinically appropriate monitoring of the policyholder or subscriber during a Phase I clinical trial or study and which are not directly related to the clinical trial or study.*"

Amend section 1, page 3, line 24, by deleting: "(b) and (d)" and inserting: "(b) , (c), (e) and ~~(d)~~ (f)".

Amend section 1, page 5, line 12, after "facility" by inserting: "*or an affiliate of a facility*".

Amend sec. 2, page 6, by deleting lines 27 and 28 and inserting: "least as effective as any other medical treatment;"

Amend sec. 2, pages 6 and 7, by deleting lines 44 and 45 on page 6 and lines 1 through 3 on page 7, and inserting:

"(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services".

Amend sec. 2, page 7, line 6, after "(c)" by inserting: "*The cost of any routine health care services that would otherwise be covered under the policy of group health insurance for an insured participating in a Phase I clinical trial or study.*

(d)".

Amend sec. 2, page 7, by deleting lines 8 through 11 and inserting:

~~"(d)~~ (e) Health care services required for the clinically appropriate monitoring of the insured during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.

*(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study."*

Amend sec. 2, page 7, line 13, by deleting: "(b) and (d)" and inserting: "(b) , (c), (e) and ~~((d))~~ (f)".

Amend sec. 2, page 9, line 3, after "facility" by inserting: "or an affiliate of a facility".

Amend sec. 3, page 10, by deleting lines 18 and 19 and inserting: "least as effective as any other medical treatment;"

Amend sec. 3, page 10, by deleting lines 35 through 39 and inserting:

"(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services".

Amend sec. 3, page 10, line 41, after "(c)" by inserting:

*"The cost of any routine health care services that would otherwise be covered under the policy of health insurance for an insured participating in a Phase I clinical trial or study.*

*(d)".*

Amend sec. 3, pages 10 and 11, by deleting lines 43 and 44 on page 10 and lines 1 and 2 on page 11, and inserting:

~~(((d)))~~ *(e) Health care services required for the clinically appropriate monitoring of the insured during ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study.*

*(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study."*

Amend sec. 3, page 11, line 4, by deleting: "(b) and (d)" and inserting: "(b) , (c), (e) and ~~((d))~~ (f)".

Amend sec. 3, page 12, line 40, after "facility" by inserting: "or an affiliate of a facility".

Amend sec. 4, page 14, by deleting lines 10 and 11 and inserting: "least as effective as any other medical treatment;"

Amend sec. 4, page 14, by deleting lines 27 through 31 and inserting:

"(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~the~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services".

Amend sec. 4, page 14, line 33, after "(c)" by inserting: *"The cost of any routine health care services that would otherwise be covered under the health care plan for an enrollee in a Phase I clinical trial or study.*

*(d)".*

Amend sec. 4, page 14, by deleting lines 35 through 38 and inserting:

"~~((d))~~ (e) Health care services required for the clinically appropriate monitoring of the enrollee during ~~[the]~~ a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the enrollee during a Phase I clinical trial or study and which are not directly related to the clinical trial or study."

Amend sec. 4, page 14, line 40, by deleting: "(b) and (d)" and inserting: "(b) , (c), (e) and ~~((d))~~ (f)".

Amend sec. 4, page 16, line 31, after "facility" by inserting: "or an affiliate of a facility".

Amend sec. 5, page 18, by deleting lines 1 and 2 and inserting: "least as effective as any other medical treatment;".

Amend sec. 5, page 18, by deleting lines 18 through 22 and inserting:

"(b) The cost of any reasonably necessary health care services that are required as a result of the medical treatment provided in ~~[the]~~ a Phase II, Phase III or Phase IV clinical trial or study or as a result of any complication arising out of the medical treatment provided in ~~[the]~~ a Phase II, Phase III or Phase IV clinical trial or study, to the extent that such health care services".

Amend sec. 5, page 18, line 24, after "(c)" by inserting: "The cost of any routine health care services that would otherwise be covered under the health care plan for an insured in a Phase I clinical trial or study.

(d)".

Amend sec. 5, page 18, by deleting lines 26 through 29 and inserting:

"~~((d))~~ (e) Health care services required for the clinically appropriate monitoring of the insured during ~~[the]~~ a Phase II, Phase III or Phase IV clinical trial or study.

(f) Health care services which are required for the clinically appropriate monitoring of the insured during a Phase I clinical trial or study and which are not directly related to the clinical trial or study."

Amend sec. 5, page 18, line 31, by deleting: "(b) and (d)" and inserting: "(b) , (c), (e) and ~~((d))~~ (f)".

Amend sec. 5, page 20, line 23, after "facility" by inserting: "or an affiliate of a facility".

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 29.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 62.

The following Assembly amendments were read:

Amendment No. 892.

Amend section 1, page 2, line 13, after "to" by inserting: "or changing ownership of".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection ~~[4]~~ 5 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation and printed and published in the county where the water is sought to be appropriated, a notice of the application which sets forth:

- (a) That the application has been filed.
  - (b) The date of the filing.
  - (c) The name and address of the applicant.
  - (d) The name of the source from which the appropriation is to be made.
  - (e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.
  - (f) The purpose for which the water is to be appropriated.
- ➡ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

- (a) For municipal, quasi-municipal or industrial use; and
- (b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➡ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to his address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before he may consider the application.

4. The provisions of this section do not apply to an environmental permit.

Sec. 3. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

- (a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of:

(1) His intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) His financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in this subsection and ~~subsection 7,~~ and subsections 3 and 8, the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.

(b) Postpone action if the purpose for which the application was made is municipal use.

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

3. *Except as otherwise provided in subsection 8, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:*

*(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.*

*(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.*

4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.

~~[4.]~~ 5. Except as otherwise provided in subsection ~~[7.]~~ 8, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application



for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

~~{5-}~~ 6. In determining whether an application for an interbasin transfer of ground water must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

~~{6-}~~ 7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection ~~{8-}~~ 9, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

~~{7-}~~ 8. The provisions of subsections 1 to ~~{5-}~~ 6, inclusive, do not apply to an application for an environmental permit.

~~{8-}~~ 9. The provisions of subsection ~~{6-}~~ 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

~~{9-}~~ 10. As used in this section, "interbasin transfer of ground water" means a transfer of ground water for which the proposed point of diversion is in a different basin than the proposed place of beneficial use."

Amend sec. 2, page 3, line 25, by deleting "*final*." and inserting: "*final or until a final resolution of the conflicting claims has otherwise occurred*."

Amend the bill as a whole by renumbering sections 3 and 4 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 2, to read as follows:

"Sec. 5. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in subsection ~~{4}~~ 6 of NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow him to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer."

Amend sec. 3, page 4, line 6, after "by" by inserting: "the amendatory provisions of sections 1 and 4 of".

Amend the title of the bill, second line, after "rights;" by inserting: "revising the provisions concerning the approval or rejection of an application to change the point of diversion of water in certain circumstances;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning provisions governing water rights. (BDR 48-681)".

Amendment No. 1079.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 5 and 6 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *There is hereby created in the State Treasury a fund to be designated as the Water Rights Protection Fund to be administered by the Board for Financing Water Projects.*

2. *The Water Rights Protection Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.*

3. *The Board for Financing Water Projects may accept gifts, grants and donations from any source for deposit in the Water Rights Protection Fund.*

4. *Money in the Water Rights Protection Fund must be used by the Board for Financing Water Projects only to make grants to a local government to:*

*(a) Obtain and provide expert and technical assistance to protect its existing water rights; or*

*(b) Fund projects to enhance or protect its existing water rights.*

Sec. 4. There is hereby appropriated from the State General Fund to the Water Rights Protection Fund, created by section 3 of this act, the sum of \$1,000,000."

Amend sec. 4, page 4, line 9, by deleting: "This act becomes" and inserting:

"1. This section and sections 1, 2, 5 and 6 of this act become".

Amend sec. 4, page 4, by deleting line 10 and inserting: "and apply retroactively.

2. Sections 3 and 4 of this act become effective on July 1, 2005."

Amend the title of the bill, second line, after "rights;" by inserting: "creating a fund to be used to protect existing water rights; making an appropriation;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning provisions governing water rights. (BDR 48-681)".

Senator Rhoads moved that the Senate do not concur in the Assembly amendments to Senate Bill No. 62.

Remarks by Senator Rhoads.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 80.

The following Assembly amendment was read:

Amendment No. 722.

Amend sec. 3, page 3, between lines 6 and 7, by inserting:

"6. *If a consumer requests that a security freeze be placed in his file, a reporting agency shall not change information in his consumer report in a*

*manner that would adversely impact his credit worthiness, credit standing or credit capacity because he requested a security freeze be placed in his file."*

Amend sec. 5, page 4, by deleting lines 10 through 24 and inserting:

*"Sec. 5. 1. A reporting agency shall not charge a consumer a fee to place a security freeze in his file. After a security freeze has been placed in the file of a consumer, a reporting agency shall not charge a consumer a fee to remove the security freeze from his file or to temporarily release his consumer report if the consumer has not authorized a release of his consumer report more than three previous times during the same calendar year.*

*2. Except as otherwise provided in this section, after a security freeze has been placed in the file of a consumer, if the consumer has authorized a release of his consumer report four or more previous times during the same calendar year, a reporting agency may charge a consumer a reasonable fee:*

*(a) Not to exceed \$18, to remove a security freeze from his file pursuant to section 9 of this act.*

*(b) Not to exceed \$18, to temporarily release his consumer report for a specific period pursuant to section 8 of this act.*

*(c) Not to exceed \$20, to temporarily release his consumer report to a specific person pursuant to section 8 of this act.*

*3. A reporting agency may not charge a consumer the fee set forth in paragraph (a), (b) or (c) of subsection 2 to remove a security freeze from his file or to temporarily release his consumer report if the consumer is a victim of identity theft and the".*

Amend sec. 5, page 4, line 30, by deleting "3." and inserting "4.".

Amend sec. 5, page 4, line 31, by deleting "1" and inserting "2".

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 80.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163.

The following Assembly amendment was read:

Amendment No. 972.

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

*"Sec. 4. Except as otherwise provided by a specific statute, a regulatory body shall not issue a temporary or new license to an applicant who has not passed a background investigation that is required pursuant to this title or has not complied with any other requirement to qualify for the issuance of the license."*

Amend the bill as a whole by adding a new section designated sec. 95.5, following sec. 95, to read as follows:

"Sec. 95.5. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A pharmacist shall not refuse to fill or refill a prescription unless the pharmacist knows or has reasonable cause to believe that the prescription:*

- (a) Has been obtained by any fraudulent representation;*
- (b) Has been issued in violation of any applicable law or regulation; or*
- (c) Has been contraindicated by the Food and Drug Administration.*

2. *Before a pharmacist refuses to fill or refill a prescription pursuant to paragraph (c) of subsection 1, the pharmacist shall, as soon as practicable, consult with the prescribing practitioner concerning the prescription.*

3. *The provisions of this section do not:*

- (a) Require a pharmacy to stock a drug; or*
- (b) Prohibit a pharmacist from:*
  - (1) Substituting a drug pursuant to NRS 639.2583; or*
  - (2) Requiring payment for a drug in the regular course of business.*

4. *A pharmacist who commits a second or subsequent violation of a provision of this section is subject to discipline as provided in NRS 639.255."*

Amend the title of the bill to read as follows:

"AN ACT relating to occupations; prohibiting certain regulatory bodies which administer occupational licensing from holding a meeting outside this State under certain circumstances; requiring such regulatory bodies to indicate in their notices under the Open Meeting Law whether a meeting will be conducted by an audio or video teleconference at one or more locations; prohibiting such regulatory bodies from issuing a temporary or new license to an applicant who has not qualified for the issuance of the license under certain circumstances; extending the date on which certain provisions relating to occupational licensing expire by limitation; prohibiting a pharmacist from refusing to fill or refill a prescription under certain circumstances; making technical revisions to certain provisions relating to occupational licensing; providing a penalty; and providing other matters properly relating thereto."

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 163.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 174.

The following Assembly amendment was read:

Amendment No. 751.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 4 and 5.

Amend the title of the bill, seventh line, by deleting: "increasing certain fees;".

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 174.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 224.

The following Assembly amendment was read:

Amendment No. 1102.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 293.127565 is hereby amended to read as follows:

293.127565 1. At each building that is open to the general public and occupied by the government of this State or a political subdivision of this State or an agency thereof, other than a building of a public elementary or secondary school, an area must be ~~made available~~ *designated* for the use of any person to gather signatures on a petition at any time that the building is open to the public. The area must be reasonable and may be inside or outside of the building. Each public officer or employee in control of the operation of a building governed by this subsection shall ~~designate and approve the area required by this subsection for the building.~~ :

(a) *Designate the area at the building for the gathering of signatures; and*

(b) *On an annual basis, submit to the Secretary of State and the county clerk for the county in which the building is located a notice of the area at the building designated for the gathering of signatures on a petition. The Secretary of State and the county clerks shall make available to the public a list of the areas at public buildings designated for the gathering of signatures on a petition.*

2. Before a person may use an area designated pursuant to subsection 1, the person must notify the public officer or employee in control of the operation of the building governed by subsection 1 of the dates and times that the person intends to use the area to gather signatures on a petition. The public officer or employee may not deny the person the use of the area.

3. ~~[A]~~ *Not later than 3 days after the date of the decision that aggrieved the person, a person aggrieved by a decision made by a public officer or employee pursuant to subsection 1 or 2 may appeal the decision to the Secretary of State. The Secretary of State shall review the decision to determine whether the public officer or employee ~~designated a reasonable area as required by~~ violated subsection 1* ~~[~~

~~4.—The]~~ *or 2. If the Secretary of State determines a public officer or employee violated subsection 1 or 2, the Secretary of State may order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 be extended for a*

*period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.*

4. The decision of the Secretary of State is a final decision for the purposes of judicial review. *Not later than 7 days after the date of the decision by the Secretary of State, the decision of the Secretary of State may only be appealed in the First Judicial District Court. If the First Judicial District Court determines that the public officer or employee violated subsection 1 or 2 and that a person was denied the use of a public building for the purpose of gathering signatures on a petition, the Court shall order that the deadline for filing the petition provided pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be extended for a period equal to the time that the person was denied the use of a public building for the purpose of gathering signatures on a petition.*

5. The Secretary of State may adopt regulations to carry out the provisions of subsection 3.

Sec. 2. NRS 293.12757 is hereby amended to read as follows:

293.12757 A person may sign a petition required under the election laws of this State ~~on~~ :

1. *On or after the date he is deemed to be registered to vote pursuant to subsection 5 of NRS 293.517 ; or*

2. *On or after the date the person has completed an application to register to vote which is to be mailed to the county clerk, if the person is deemed to be registered pursuant to subsection 5 of NRS 293.5235 ~~+~~ not more than 3 working days after the date the person signs the petition."*

Amend section 1, page 2, by deleting lines 2 through 13 and inserting:  
"adding thereto the provisions set forth as sections 4 through 13 of this act."

Amend the bill as a whole by renumbering sec. 2 as sec. 14 and adding new sections designated sections 4 through 13, following section 1, to read as follows:

"Sec. 4. 1. "Committee for a statewide ballot measure" means every person who advocates, or group of persons organized formally or informally to advocate, the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum, including, without limitation:

(a) *Circulating a petition for an initiative or a referendum to obtain signatures;*

(b) *Soliciting or receiving contributions from any other person, group or entity for the purpose of advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum; or*

(c) *Making an expenditure designed to advocate the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or a referendum.*

2. "Committee for a statewide ballot measure" does not include:

(a) *An individual natural person acting alone and not in conjunction with any other person who circulates a petition for an initiative or a referendum for the purpose of obtaining signatures and who does not solicit or receive contributions or make expenditures as described in paragraphs (b) and (c) of subsection 1.*

(b) *A committee for political action.*

(c) *A committee for the recall of a public officer.*

Sec. 5. 1. *A nonprofit corporation shall, before it engages in any of the following activities in this State, submit the names, addresses and telephone numbers of its officers to the Secretary of State:*

(a) *Soliciting or receiving contributions from any other person, group or entity;*

(b) *Making contributions to candidates or other persons; or*

(c) *Making expenditures,*

↪ *designed to affect the outcome of any primary, general or special election or question on the ballot.*

2. *The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 1.*

Sec. 6. 1. *Each committee for a statewide ballot measure shall, before engaging in any activity in this State, register with the Secretary of State on forms supplied by him.*

2. *The form must require:*

(a) *The name, address and telephone number of the committee;*

(b) *The purpose for which the committee organized;*

(c) *The names, addresses and telephone numbers of the officers of the committee;*

(d) *If the committee is affiliated with any other organizations, the name, address and telephone number of each such organization;*

(e) *The name, address and telephone number of the resident agent of the committee; and*

(f) *Any other information deemed necessary by the Secretary of State.*

3. *A committee for a statewide ballot measure shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.*

4. *The Secretary of State shall include on his Internet website the information submitted pursuant to subsection 2.*

Sec. 7. *Each committee for a statewide ballot measure shall appoint and keep in this State a resident agent who must be a natural person who resides in this State.*

Sec. 8. 1. *Every committee for a statewide ballot measure shall, not later than:*

(a) *April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from the placement on a ballot of a*



*constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;*

*(b) August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from April 1 of that year through July 31 of that year;*

*(c) October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and*

*(d) January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election, ➡ report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to section 10 of this act. The form must be signed by a representative of the committee for a statewide ballot measure under penalty of perjury.*

*2. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.*

*3. The reports required pursuant to this section must be filed with the Secretary of State.*

*4. A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:*

*(a) On the date that it was mailed if it was sent by certified mail; or*

*(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.*

*5. If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.*

*Sec. 9. 1. Every committee for a statewide ballot measure shall, not later than:*

*(a) April 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may*

*appear on the ballot, for the period from the placement on a ballot of a constitutional amendment or the filing of a copy of a petition for a statewide measure proposed by an initiative or a referendum with the Secretary of State through March 31 of that year;*

*(b) August 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from April 1 of that year through July 31 of that year;*

*(c) October 15 of the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from August 1 of that year through September 30 of that year; and*

*(d) January 15 of the year following the year of the general election in which a constitutional amendment or a statewide measure proposed by an initiative or a referendum for which the committee advocates the passage or defeat may appear on the ballot, for the period from October 1 of the year of the general election through December 31 of the year of the general election, ➤ report each expenditure made during the period on behalf of or against the constitutional amendment or a statewide measure proposed by an initiative or a referendum in excess of \$100 on the form designed and provided by the Secretary of State pursuant to section 10 of this act and signed by the person or a representative of the group under penalty of perjury.*

*2. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.*

*3. The reports required pursuant to this section must be filed with the Secretary of State.*

*4. A person may mail or transmit his report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:*

*(a) On the date that it was mailed if it was sent by certified mail; or*

*(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.*

*5. If the committee for a statewide ballot measure is advocating passage or defeat of a group of questions, the reports must be itemized by question.*

*Sec. 10. 1. The Secretary of State shall design a single form to be used for reports of campaign contributions and expenses or expenditures that are required to be filed by a committee for a statewide ballot measure pursuant to sections 8 and 9 of this act.*

*2. The form designed by the Secretary of State pursuant to this section:*

- (a) *Must request information specifically required by statute; and*
- (b) *Must include a space to list:*

(1) *The amount of cash on hand at the beginning of the reporting period;*

(2) *The amount of cash on hand at the beginning of the reporting year;*

(3) *The amount of cash on hand at the end of the reporting period; and*

(4) *The amount of cash on hand at the end of the reporting year.*

3. *Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each committee for a statewide ballot measure. An explanation of the applicable provisions of sections 8 and 9 of this act relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.420 must be developed by the Secretary of State and provided upon request. The committee for a statewide ballot measure shall acknowledge receipt of the material.*

Sec. 11. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, *and section 4 of this act* have the meanings ascribed to them in those sections.

Sec. 12. NRS 294A.150 is hereby amended to read as follows:

294A.150 *Except as otherwise provided in section 8 of this act:*

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 received during that period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

(a) Each year in which an election or city election is held for each question for which the person or group advocates passage or defeat; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after

January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➡ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➡ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➡ report each campaign contribution in excess of \$100 received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

6. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit his report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

- (a) On the date that it was mailed if it was sent by certified mail; or
- (b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be itemized by question.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

Sec. 13. NRS 294A.220 is hereby amended to read as follows:

294A.220 *Except as otherwise provided in section 9 of this act:*

1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury. The provisions of this subsection apply to the person or group of persons:

- (a) Each year in which an election or city election is held for a question for which the person or group advocates passage or defeat; and
- (b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

- (a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or

primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally who advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A person or group of persons described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

↪ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group under penalty of perjury.

5. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of \$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question. A person may mail or transmit his report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after he receives the report."



Amend the bill as a whole by renumbering sec. 3 as sec. 20 and adding new sections designated section 15 through 19, following sec. 2, to read as follows:

"Sec. 15. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 and 294A.280 *and section 9 of this act* must consist of a list of each expenditure in excess of \$100 that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of \$100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

- (a) Office expenses;
- (b) Expenses related to volunteers;
- (c) Expenses related to travel;
- (d) Expenses related to advertising;
- (e) Expenses related to paid staff;
- (f) Expenses related to consultants;
- (g) Expenses related to polling;
- (h) Expenses related to special events;
- (i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and
- (j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 16. NRS 294A.380 is hereby amended to read as follows:

294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter regulating committees for political action ~~[-]~~ *and committees for a statewide ballot measure*:

(a) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~[-]~~ *or a committee for a statewide ballot measure*, consider a group's or entity's division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements of this chapter.

(b) The Secretary of State shall, in determining whether an entity or group is a committee for political action ~~[-]~~ *or a committee for a statewide ballot measure*, disregard any action taken by a group or entity that would

otherwise constitute a committee for political action *or a committee for a statewide ballot measure* if it appears such action is taken for the purpose of avoiding the reporting requirements of this chapter.

Sec. 17. NRS 294A.382 is hereby amended to read as follows:

294A.382 1. The Secretary of State shall not request or require a candidate, person, group of persons, committee or political party to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to NRS 294A.373.

2. *The Secretary of State shall not request or require a committee for a statewide ballot measure to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided pursuant to section 10 of this act.*

Sec. 18. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, *and sections 8 and 9 of this act*, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of \$100 and the total campaign expenses of each of the candidates for legislative and judicial offices from whom reports of those contributions and expenses are required.

2. The contributions made to a committee for the recall of a public officer in excess of \$100.

3. The expenditures exceeding \$100 made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

(e) *Committee for a statewide ballot measure.*

4. The contributions in excess of \$100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

(d) *A committee for a statewide ballot measure.*

Sec. 19. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.140,

294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 *or section 8 or 9 of this act* has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 *or section 8 or 9 of this act* is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

- (a) If the report is not more than 7 days late, \$25 for each day the report is late.
- (b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.
- (c) If the report is more than 15 days late, \$100 for each day the report is late.

↪ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

- (a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and
- (b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public."

Amend sec. 3, page 3, line 9, by deleting: "4 and 5" and inserting: "21 and 22".

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 21.

Amend sec. 5, page 3, by deleting line 24 and inserting:

"Sec. 21. 1. *Each petition for initiative must:*

(a) *Embrace but one*".

Amend sec. 5, page 3, between lines 29 and 30, by inserting:

*"(b) Set forth, in not more than 200 words, an accurate description of the effect of the initiative if it is approved by the voters. The description must appear at the top of each signature page of the petition."*

Amend sec. 5, page 3, by deleting line 30 and inserting:

*"2. Each petition for referendum must:*

*(a) Embrace but one"*

Amend sec. 5, page 3, between lines 35 and 36, by inserting:

*"(b) Set forth, in not more than 200 words, an accurate description of the effect of the referendum if it is approved by the voters. The description must appear at the top of each signature page of the petition.*

*3. For the purposes of paragraph (a) of subsection 1 and paragraph (a) of subsection 2, a petition for initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, if the parts of the proposed initiative or referendum are functionally related and germane to each other in a way that provides sufficient notice of the general subject of, and of the interests likely to be affected by, the proposed initiative or referendum."*

Amend the bill as a whole by renumbering sec. 6 as sec. 25 and adding new sections designated sections 22 through 24, following sec. 5, to read as follows:

*"Sec. 22. 1. After a petition for initiative or referendum has been deemed to have qualified pursuant to the provisions of NRS 293.1278 or 293.1279, the Secretary of State shall submit to the Chairman of the Legislative Commission a written notification of the qualification of the initiative or referendum.*

*2. The Chairman of the Legislative Commission shall schedule a meeting of the Legislative Commission to conduct a public hearing on the proposed initiative or referendum.*

*3. The Secretary of State may use the results of the public hearing on an initiative or referendum to assist him in preparing the condensation and explanation of the initiative or referendum pursuant to subsection 5 of NRS 293.250.*

Sec. 23. NRS 295.015 is hereby amended to read as follows:

295.015 *1. A copy of a petition for initiative or referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.*

*2. Upon receipt of a copy of a petition for initiative or referendum pursuant to subsection 1, the Secretary of State shall:*

*(a) Determine the number of signatures of registered voters required to file the petition;*

*(b) Inform the person placing the copy of the petition on file of the number of signatures of registered voters required to file the petition;*

(c) Review the title of the petition to determine if the title satisfies the requirements of section 21 of this act and shall reject each title that does not satisfy the requirements of section 21 of this act;

(d) Review the description of the effect of the initiative or referendum to determine if the description satisfies the requirements of section 21 of this act and shall reject each description that does not satisfy the requirements of section 21 of this act;

(e) Consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine if the initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters and if the Fiscal Analysis Division determines that the initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the Division must prepare a fiscal note that includes an explanation of any such effect; and

(f) Not later than 10 business days after the Secretary of State receives the petition filed pursuant to subsection 1, post a copy of the petition, including the description required pursuant to section 21 of this act and any fiscal note prepared pursuant to paragraph (e), on his Internet website.

3. The decision of the Secretary of State to reject a title or a description pursuant to subsection 2 is a final decision for the purposes of judicial review. Not later than 10 days after the Secretary of State rejects the title or the description pursuant to subsection 2, the person filing the copy of the petition for initiative or referendum pursuant to subsection 1 may appeal that rejection to the First Judicial District Court. The Court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the Court, except for criminal proceedings.

Sec. 24. NRS 295.045 is hereby amended to read as follows:

295.045 1. ~~{A copy of a petition for referendum must be placed on file in the Office of the Secretary of State before it may be presented to the registered voters for their signatures.}~~

~~2.}~~ A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

~~{3.}~~ 2. The Secretary of State shall certify the questions to the county clerks, and they shall publish them in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

~~{4.}~~ 3. The title of the statute or resolution must be set out on the ballot, and the question printed upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

~~{5.}~~ 4. Where a mechanical voting system is used, the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

~~{6-}~~ 5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed."

Amend sec. 6, page 3, by deleting lines 37 through 40 and inserting:

"295.061 1. *The description of the effect of an initiative or referendum required pursuant to section 21 of this act may be challenged by filing a complaint in the First Judicial District Court not later than 30 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is initially placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all criminal proceedings.*

2. The legal sufficiency of a petition ~~{filed pursuant to NRS 295.015 to 295.061, inclusive,}~~ for initiative or referendum may be challenged by filing a complaint in ~~{district court}~~ the First Judicial District Court not later than ~~{5}~~ 30 days, Saturdays, Sundays and holidays excluded, after a copy of the".

Amend sec. 6, page 3, line 41, by deleting "filed" and inserting: "~~{filed}~~ initially placed on file".

Amend the bill as a whole by adding new sections designated sections 26 through 37, following sec. 6, to read as follows:

"Sec. 26. NRS 295.085 is hereby amended to read as follows:

295.085 The registered voters of a county may:

1. Propose ordinances to the board and, if the board fails to adopt an ordinance so proposed without change in substance, to adopt or reject it at a ~~{primary or}~~ general election.

2. Require reconsideration by the board of any adopted ordinance and, if the board fails to repeal an ordinance so reconsidered, to approve or reject it at a ~~{primary or}~~ general election.

Sec. 27. NRS 295.095 is hereby amended to read as follows:

295.095 1. Any ~~{five}~~ 10 registered voters of the county may commence initiative or referendum proceedings by filing with the county clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the county equal to 15 percent or more of the number of voters who voted at the last preceding general election in the county.

3. Referendum petitions must be signed by a number of registered voters of the county equal to 10 percent or more of the number of voters who voted at the last preceding general election in the county.

4. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~[eighty]~~ *fifty* days after the date that the affidavit required by subsection 1 is filed with the county clerk; or

(b) One hundred and ~~[thirty]~~ *forty-five* days before the election,  
↪ whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

- (a) That he personally circulated the document;
- (b) The number of signatures thereon;
- (c) That all the signatures were affixed in his presence;
- (d) That he believes them to be genuine signatures of the persons whose names they purport to be; and
- (e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

Sec. 28. NRS 295.105 is hereby amended to read as follows:

295.105 1. Within 20 days after the petition is submitted to the county clerk pursuant to NRS 295.095, the county clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request board review under subsection 3 within the time required, the county clerk shall promptly present his certificate to the board and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint*

*over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 29. NRS 295.115 is hereby amended to read as follows:

295.115 1. When an initiative or referendum petition has been finally determined sufficient, the board shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the board fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the board shall submit the proposed or referred ordinance to the registered voters of the county.

2. The vote of the county on the proposed or referred ordinance must be held at the next ~~[primary or]~~ general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the county or the deadline for placing questions on the ballot, whichever is earlier, by filing with the county clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 30. NRS 295.121 is hereby amended to read as follows:

295.121 1. In a county whose population is 40,000 or more, for each initiative, referendum or other question to be placed on the ballot by:

(a) The board, including, without limitation, pursuant to NRS 293.482, 295.115 or 295.160;

(b) The governing body of a school district, public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the county; or

(c) A metropolitan police committee on fiscal affairs authorized by law to submit questions to some or all of the qualified electors or registered voters of the county,

➡ the board shall, in consultation with the county clerk pursuant to subsection 5, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the county clerk pursuant to subsection 5, the board is unable to appoint three persons who are willing to serve on a committee, the board may appoint fewer than three persons to that committee, but the board must appoint at least one person to each committee appointed pursuant to this section.



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

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

(b) Members of the committee serve without compensation.

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

4. The county clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The county clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

5. Before the board appoints a committee pursuant to this section, the county clerk shall:

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

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

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

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

6. If the board of a county whose population is 40,000 or more fails to appoint a committee as required pursuant to this section, the county clerk shall ~~appoint the committee.~~, *in consultation with the district attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the county clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

(a) Shall elect a chairman for the committee;

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

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

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether

the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

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

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the county clerk not later than the date prescribed by the county clerk pursuant to subsection 8.

8. The county clerk of a county whose population is 40,000 or more shall provide, by rule or regulation:

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

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

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

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

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

↪ Not later than 5 days after the county clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the district attorney. The district attorney shall review the statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the district attorney shall issue his decision rejecting or accepting the statement. The decision of the district attorney is a final decision for the purposes of judicial review. *If the decision of the district attorney is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.*

10. The county clerk shall place in the sample ballot provided to the registered voters of the county each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The county clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the

sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. In a county whose population is less than 40,000:

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

(b) If the board appoints committees pursuant to this section, the county clerk shall provide for rules or regulations pursuant to subsection 8.

12. Except as otherwise provided in this subsection, if a question is to be placed on the ballot by an entity described in paragraph (b) or (c) of subsection 1, the entity must provide a copy and explanation of the question to the county clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the county clerk is governed by subsection 2 of NRS 293.481.

13. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 31. NRS 295.140 is hereby amended to read as follows:

295.140 1. Whenever 10 percent or more of the registered voters of any county of this State, as shown by the number of registered voters who voted at the last preceding general election, express their wish that any act or resolution enacted by the Legislature, and pertaining to that county only, be submitted to the vote of the people, they shall submit to the county clerk a petition, which must contain the names and residence addresses of at least 10 percent of the registered voters of that county, demanding that a referendum vote be had by the people of the county at the next ~~primary or~~ general election upon the act or resolution on which the referendum is demanded.

2. A petition must be submitted to the county clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than 130 days before the time set for the next succeeding general election.

3. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. Each document must contain, or have attached thereto throughout its circulation, the full text of the act or resolution on which the referendum is demanded.

4. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

(d) That he believes them to be genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the act or resolution on which the referendum is demanded.

5. The county clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

- (a) Documents included in the petition;
- (b) Pages in each document; and
- (c) Signatures that the person declares are included in the petition.

6. Within 20 days after a petition is submitted, the county clerk shall complete a certificate as to its sufficiency. Unless a request for review is filed pursuant to subsection 7, the certificate is a final determination as to the sufficiency of the petition.

7. If a petition is certified insufficient, the person who submitted the petition may, within 2 days after receiving a copy of the certificate, file a request that it be reviewed by the board of county commissioners. The board shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the determination of the board is a final determination as to the sufficiency of the petition.

8. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 32. NRS 295.160 is hereby amended to read as follows:

295.160 1. If the petition is determined to be sufficient, the county clerk shall, at the next ~~[primary or]~~ general election, submit the act or resolution, by appropriate questions on the ballot, for the approval or disapproval of the people of that county.

2. The county clerk shall publish those questions in accordance with the provisions of law requiring county clerks to publish questions and proposed constitutional amendments which are to be submitted for popular vote.

Sec. 33. NRS 295.200 is hereby amended to read as follows:

295.200 The registered voters of a city may:

1. Propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without change in substance, adopt or reject it at the next ~~[primary or]~~ general city election or ~~[primary or]~~ general election.

2. Require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, approve or reject it at the next ~~[primary or]~~ general city election or ~~[primary or]~~ general election.

Sec. 34. NRS 295.205 is hereby amended to read as follows:

295.205 1. Any ~~[five]~~ 10 registered voters of the city may commence initiative or referendum proceedings by filing with the city clerk an affidavit:

(a) Stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form;

(b) Stating their names and addresses;

(c) Specifying the address to which all notices to the committee are to be sent; and

(d) Setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

2. Initiative petitions must be signed by a number of registered voters of the city equal to 15 percent or more of the number of voters who voted at the last preceding city election.

3. Referendum petitions must be signed by a number of registered voters of the city equal to 10 percent or more of the number of voters who voted at the last preceding city election.

4. A petition must be submitted to the city clerk for verification, pursuant to NRS 295.250 to 295.290, inclusive, not later than:

(a) One hundred and ~~eighty~~ *fifty* days after the date that the affidavit required by subsection 1 is filed with the city clerk; or

(b) One hundred and ~~thirty~~ *forty-five* days before the election,

➔ whichever is earlier.

5. A petition may consist of more than one document, but all documents of a petition must be uniform in size and style, numbered and assembled as one instrument for submission. Each signature must be executed in ink or indelible pencil and followed by the address of the person signing and the date on which he signed the petition. All signatures on a petition must be obtained within the period specified in subsection 4. Each document must contain, or have attached thereto throughout its circulation, the full text of the ordinance proposed or sought to be reconsidered.

6. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

(a) That he personally circulated the document;

(b) The number of signatures thereon;

(c) That all the signatures were affixed in his presence;

(d) That he believes them to be genuine signatures of the persons whose names they purport to be; and

(e) That each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

7. The city clerk shall issue a receipt to any person who submits a petition pursuant to this section. The receipt must set forth the number of:

(a) Documents included in the petition;

(b) Pages in each document; and

(c) Signatures that the person declares are included in the petition.

Sec. 35. NRS 295.210 is hereby amended to read as follows:

295.210 1. Within 20 days after the petition is submitted to the city clerk pursuant to NRS 295.205, the city clerk shall complete a certificate as to its sufficiency.

2. If a petition is certified sufficient, or if a petition is certified insufficient and the petitioners' committee does not elect to request council review under subsection 3 within the time required, the city clerk must promptly present his certificate to the council and the certificate is a final determination as to the sufficiency of the petition.

3. If a petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of the request and approve or disapprove it, and the council's determination is a final determination as to the sufficiency of the petition.

4. A final determination as to the sufficiency of a petition is subject to judicial review. *If the final determination is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.* A final determination of insufficiency, even if sustained upon judicial review, does not prejudice the filing of a new petition for the same purpose.

Sec. 36. NRS 295.215 is hereby amended to read as follows:

295.215 1. When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided by law for the consideration of ordinances generally or reconsider the referred ordinance by voting its repeal. If, within 30 days after the date the petition was finally determined sufficient, the council fails to adopt the proposed initiative ordinance without any change in substance or fails to repeal the referred ordinance, the council shall submit the proposed or referred ordinance to the registered voters of the city.

2. The vote of the city on the proposed or referred ordinance must be held at the next ~~[primary or]~~ general city election ~~[or primary]~~ or general election. Copies of the proposed or referred ordinance must be made available at the polls.

3. An initiative or referendum petition may be withdrawn at any time before the 30th day preceding the day scheduled for a vote of the city or the deadline for placing questions on the ballot, whichever is earlier, by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' original committee. Upon the filing of that request, the petition has no further effect and all proceedings thereon must be terminated.

Sec. 37. NRS 295.217 is hereby amended to read as follows:

295.217 1. In a city whose population is 10,000 or more, for each initiative, referendum or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 293.482 or 295.215; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

➡ the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

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

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

(b) Members of the committee serve without compensation.

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

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 6.

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

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

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

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

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

6. If the council of a city whose population is 10,000 or more fails to appoint a committee as required pursuant to this section, the city clerk shall ~~appoint the committee.~~, *in consultation with the city attorney, prepare an*

*argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the county clerk pursuant to subsection 8. The county clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.*

7. A committee appointed pursuant to this section:

- (a) Shall elect a chairman for the committee;
- (b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;
- (c) May seek and consider comments from the general public;
- (d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;
- (e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;
- (f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):
  - (1) The fiscal impact of the initiative, referendum or other question;
  - (2) The environmental impact of the initiative, referendum or other question; and
  - (3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and
- (g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk of a city whose population is 10,000 or more shall provide, by rule or regulation:

- (a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and
- (b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

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

- (a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and
- (b) Shall reject each statement in the argument or rebuttal that he believes is libelous or factually inaccurate.

➡ Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection to the city attorney or other city officer appointed to hear the appeal by the city council. The city attorney or other city officer appointed to hear the appeal shall review the



statement and the reasons for its rejection and may receive evidence, documentary or testimonial, to aid him in his decision. Not later than 3 business days after the appeal by the committee, the city attorney or other city officer appointed to hear the appeal shall issue his decision rejecting or accepting the statement. The decision of the city attorney or other city officer appointed to hear the appeal is a final decision for the purposes of judicial review. *If the decision of the city attorney or other city officer appointed to hear the appeal is challenged by filing a complaint in district court, the court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.*

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

11. In a city whose population is less than 10,000:

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

(b) If the council appoints committees pursuant to this section, the city clerk shall provide for rules or regulations pursuant to subsection 8.

12. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 2 of NRS 293.481."

Amend the title of the bill to read as follows:

"AN ACT relating to elections; revising the provision governing eligibility to sign a petition required under the election laws of this State; revising the provision governing the designation of an area at a public building for the gathering of signatures on a petition; requiring committees for a statewide ballot measure to register with the Secretary of State before engaging in certain activities; requiring committees for a statewide ballot measure to submit reports to the Secretary of State on campaign contributions and expenditures and expenses; requiring nonprofit corporations to submit the names, telephone numbers and addresses of their officers to the Secretary of State under certain circumstances; requiring a petition for initiative or referendum to embrace a single subject; providing that the subject of a petition for initiative or referendum must be accurately indicated in the title; requiring a petition for initiative or referendum to have a description of the effect of the initiative or referendum if approved by the voters; requiring the Secretary of State to review the title and description of an initiative or

referendum; requiring the Secretary of State to obtain under certain circumstances a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau; requiring the Secretary of State to post a copy of the initiative petition, the description of the effect if the initiative is approved by the voters and any fiscal note on his Internet website; requiring a challenge to the description of the effect of an initiative to be filed not later than 30 days after a copy of the petition is placed on file with the Secretary of State; revising the provisions relating to a petition for initiative or referendum by registered voters of a city or county; providing for the appeal of certain final decisions relating to a petition for an initiative or referendum by filing a complaint in court; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to elections. (BDR 24-698)".

Amend the bill as a whole by adding the following Assemblywoman as a primary joint sponsor:

Assemblywoman Gansert.

Senator Cegavske moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 224.

Remarks by Senator Cegavske.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 325.

The following Assembly amendments were read:

Amendment No. 884.

Amend sec. 18, page 3, line 40, by deleting "*chapter*," and inserting: "*chapter or chapter 116 of NRS*,".

Amend sec. 18, page 4, by deleting line 1 and inserting: "*other information considered by the Commission or a hearing panel when determining*".

Amend sec. 23, page 5, line 9, after "*with*" by inserting: "*the provisions of this chapter and chapter 116 of NRS and*".

Amend sec. 25, page 6, line 25, after "*with*" by inserting: "*the provisions of this chapter and chapter 116 of NRS and*".

Amend sec. 25, page 6, line 30, after "*chapter*" by inserting: "*or chapter 116 of NRS*".

Amend sec. 29, page 8, line 35, after "*chapter*" by inserting: "*or chapter 116 of NRS*".

Amend sec. 29, page 8, line 38, after "*chapter*" by inserting: "*or chapter 116 of NRS*".

Amend sec. 31, page 9, by deleting lines 18 through 24 and inserting:

"Sec. 31. 1. *Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.*

2. *The fees and mileage for the witness:*

(a) *Must be paid by the party at whose request the witness is subpoenaed;*

*or*

(b) *If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division."*

Amend sec. 34, page 10, line 13, by deleting "chapter," and inserting: "chapter or chapter 116 of NRS,".

Amend sec. 34, page 10, line 40, after "chapter" by inserting: "or chapter 116 of NRS".

Amend sec. 34, page 10, line 42, after "chapter" by inserting: "or chapter 116 of NRS".

Amend sec. 35, page 11, by deleting lines 1 through 17 and inserting:

"Sec. 35. 1. *If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person has violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or the Division or a hearing panel, the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction within or outside this State, to restrain or enjoin that person from engaging in or continuing to commit the violations or from doing any act in furtherance of the violations.*

2. *The action must be brought in the name of the State of Nevada. If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.*

3. *The court may issue the temporary restraining order, preliminary injunction or final injunction without:*

(a) *Proof of actual damages sustained by any person.*

(b) *The filing of any bond."*

Amend sec. 36, page 11, line 19, by deleting "47," and inserting "47.6,".

Amend the bill as a whole by deleting sec. 38 and adding:

"Sec. 38. (Deleted by amendment.)".

Amend sec. 39, pages 11 and 12, by deleting lines 37 through 44 on page 11 and lines 1 through 9 on page 12, and inserting:

"Sec. 39. 1. *At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted building reserve deficit allocated to that unit.*

2. *The allocation to a unit of the amount of any converted building reserve deficit must be made in the same manner as assessments are allocated to that unit.*

3. *As used in this section, "converted building reserve deficit" means the amount necessary to replace the major components of the common elements needing replacement within 5 years after the date of the first sale of a unit."*

Amend sec. 40, page 14, line 9, after "must" by inserting "be".

Amend sec. 41, page 15, by deleting lines 5 through 7 and inserting: *"environment and is adaptable to local conditions."*

Amend sec. 44, page 15, line 44, by deleting "is not" and inserting: *"will not be"*.

Amend sec. 44, page 16, line 2, by deleting "after" and inserting "before".

Amend sec. 45, page 16, line 13, before "In" by inserting "I."

Amend sec. 45, page 16, by deleting lines 16 through 18 and inserting: *"governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way"*.

Amend sec. 45, page 16, between lines 21 and 22, by inserting:

*"2. The provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law."*

Amend sec. 46, page 16, by deleting lines 26 through 43 and inserting: *"a right to occupy and use exclusively if the political sign is not larger than 24 inches by 36 inches."*

Amend sec. 47, page 17, by deleting lines 10 through 12 and inserting: *"each unit's owner of a meeting at which the commencement of a civil action is to be considered at least 21 calendar days before the date of the meeting. Except"*.

Amend the bill as a whole by adding new sections designated sections 47.3 and 47.6, following sec. 47, to read as follows:

*"Sec. 47.3. 1. Each witness who is subpoenaed and appears at a hearing is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case.*

*2. The fees and mileage for the witness:*

*(a) Must be paid by the party at whose request the witness is subpoenaed; or*

*(b) If the appearance of the witness is not requested by any party but the witness is subpoenaed at the request of the Commission or a hearing panel, must be paid by the Division.*

*Sec. 47.6. 1. Except as otherwise provided in this section, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential.*

*2. A formal complaint filed with the Commission and all documents and other information considered by the Commission or a hearing panel when*

*determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, are public records."*

Amend sec. 48, page 18, line 18, by deleting: "sections 37 and 38" and inserting "section 37".

Amend sec. 52, page 19, by deleting lines 12 through 14 and inserting: "government from imposing different requirements and standards regarding design and construction on different types of structures in common-interest communities. For the purposes of this subsection, a townhouse in a planned community is a different type of structure from other structures in common-interest communities, including, without limitation, other structures that are or will be owned as condominiums or cooperatives."

Amend sec. 54, page 19, line 45, after "is" by inserting "created for".

Amend sec. 54, page 21, line 9, after "is" by inserting "created for".

Amend the bill as a whole by adding a new section designated sec. 54.5, following sec. 54, to read as follows:

"Sec. 54.5. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1105, 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.3119, inclusive, *and sections 41 to 47, inclusive, of this act*, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units."

Amend sec. 57, page 23, by deleting lines 26 and 27 and inserting: "recordation of *any* amendments to the declaration ~~[, the information required by NRS 116.4109]~~ or any statements of unpaid assessments ~~[,]~~, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section."

Amend sec. 57, page 24, line 7, before "residents" by inserting: "units' owners or".

Amend sec. 58, page 25, line 16, before "residents" by inserting: "units' owners or".

Amend sec. 58, page 25, line 22, before "residents" by inserting: "units' owners or".

Amend sec. 62, page 31, line 14, by deleting "Within" and inserting: "~~[Within]~~ In addition to any applicable requirement set forth in section 39 of this act, within".

Amend sec. 63, page 33, by deleting line 7 and inserting: "number of voting members of the association.

~~{2-}~~ The same number of".

Amend sec. 63, page 33, by deleting line 3 and inserting: "March 1.

2. Special meetings of the units' owners ~~{of an association}~~".

Amend sec. 63, page 33, line 15, by deleting "must" and inserting "shall".

Amend sec. 63, page 33, line 19, by deleting "election," and inserting: "election and:

(a) *The voting rights of the units' owners will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or*

(b) *The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036,".*

Amend sec. 63, page 33, line 22, by deleting "must" and inserting "shall".

Amend sec. 63, page 33, line 26, by deleting "2." and inserting "3.".

Amend sec. 63, page 33, line 44, by deleting "3." and inserting "~~{3-}~~ 4.".

Amend sec. 63, page 34, line 16, by deleting "4." and inserting "~~{4-}~~ 5.".

Amend sec. 63, page 34, line 23, by deleting "5." and inserting "~~{5-}~~ 6.".

Amend sec. 63, page 34, by deleting line 32 and inserting:

"~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, the minutes of".

Amend sec. 63, page 34, line 41, by deleting "7." and inserting "~~{7-}~~ 8.".

Amend sec. 63, page 35, line 1, by deleting "8." and inserting "~~{8-}~~ 9.".

Amend sec. 63, page 35, line 4, by deleting "9." and inserting "~~{9-}~~ 10.".

Amend sec. 63, page 35, line 9, by deleting "10." and inserting "~~{10-}~~ 11.".

Amend sec. 63, page 35, line 14, by deleting "11." and inserting "12.".

Amend sec. 63, page 35, line 17, by deleting "~~{units' owners}~~" and inserting: "units' owners or".

Amend sec. 63, page 35, line 22, by deleting: "2 or 3." and inserting: "~~{2 or 3-}~~ 3 or 4.".

Amend sec. 64, page 36, line 17, by deleting "3" and inserting "~~{3-}~~ 4".

Amend sec. 64, page 37, line 39, by deleting "~~{units' owners}~~" and inserting: "units' owners or".

Amend sec. 66, page 39, by deleting line 16 and inserting: "operation of the association and ~~{the money}~~ a budget for the ~~{reserve}~~ reserves required".

Amend sec. 66, page 39, line 19, by deleting "a reserve," and inserting: "~~{a reserve-}~~ the reserves,".

Amend sec. 66, page 39, line 22, by deleting: "an adequate reserve," and inserting: "~~{an adequate reserve-}~~ adequate reserves,".

Amend sec. 66, page 39, line 24, by deleting "reserve" and inserting "~~{reserve}~~ reserves".

Amend sec. 66, page 39, line 27, after "maintenance." by inserting: "*The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair,*

*replacement and restoration of the major components of the common elements are necessary."*

Amend sec. 66, page 40, by deleting lines 12 through 16 and inserting:

"9. The association shall provide written notice to ~~the owner of each unit~~ *each unit's owner* of a meeting at which an assessment for a capital improvement ~~for the commencement of a civil action~~ is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting. ~~Except as otherwise provided in~~."

Amend sec. 67, page 41, line 21, by deleting: "maintain the reserve" and inserting: "~~maintain the reserve~~ *provide adequate funding for the reserves*".

Amend sec. 67, page 41, line 34, by deleting "required" and inserting "~~required~~ *necessary*".

Amend sec. 67, page 41, line 35, after "adequate" by inserting: "*funding for the*".

Amend sec. 67, page 41, line 36, before "for" by inserting "*designated*".

Amend sec. 67, page 42, line 8, by deleting "unit" and inserting "unit's".

Amend sec. 68, page 42, line 27, by deleting "if" and inserting "~~if~~ *whether*".

Amend sec. 68, page 42, line 28, by deleting "it" and inserting: "~~it~~ *to the association's funding plan which the executive board*".

Amend sec. 68, page 42, line 29, by deleting "maintain" and inserting: "~~maintain~~ *provide adequate funding for*".

Amend sec. 68, page 43, line 5, by deleting "required" and inserting "~~required~~ *necessary*".

Amend sec. 68, page 43, by deleting lines 8 and 9 and inserting: "of the date of the study ~~to~~ *to* ~~the results~~ , and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves."

Amend sec. 70, page 45, line 12, by deleting "after:" and inserting: "after ~~all of the following occur~~ *all of the following occur*:".

Amend sec. 70, page 45, line 37, by deleting "*DISPUTED!*" and inserting "*IN DISPUTE!*".

Amend sec. 70, page 46, by deleting line 5 and inserting:

"(a) The ~~day~~ *date* on which the notice of default is recorded; or".

Amend sec. 70, page 46, line 6, by deleting "day" and inserting "~~day~~ *date*".

Amend sec. 70, page 46, by deleting lines 9 through 12 and inserting: "address of the unit ~~to~~ *to* ~~whichever date occurs later~~ *whichever date occurs later*".

Amend sec. 70, page 46, line 18, before "residents" by inserting: "*units' owners or*".

Amend sec. 72, page 46, line 40, before "The" by inserting "*I*".

Amend sec. 72, page 46, line 43, by deleting "1." and inserting "~~1~~ *(a)*".

Amend sec. 72, page 46, line 45, by deleting "a" and inserting:

"~~to~~" in lieu of following the procedure for service on a judgment debtor pursuant to NRS 21.130, service must be made on the unit's owner as follows:

(1) A".

Amend sec. 72, page 47, lines 4 and 5, by deleting "unit.

2." and inserting: "unit ~~1-2-~~ ; and

(2) A copy of the notice of sale must be served, on or before the date of first publication or posting, in the manner set forth in subsection 2; and

(b)".

Amend sec. 72, page 47, line 7, by deleting "(a)" and inserting "~~[(a)]~~ (1)".

Amend sec. 72, page 47, line 9, by deleting "(b)" and inserting "~~[(b)]~~ (2)".

Amend sec. 72, page 47, line 13, by deleting "(c)" and inserting "~~[(c)]~~ (3)".

Amend sec. 72, page 47, by deleting lines 14 through 25 and inserting:

"2. In addition to the requirements set forth in subsection 1, a copy of the notice of sale must be served:

(a) By a person who is 18 years of age or older and who is not a party to or interested in the sale by personally delivering a copy of the notice of sale to an occupant of the unit who is of suitable age; or

(b) By posting a copy of the notice of sale in a conspicuous place on the unit.

3. Any copy of the notice of sale required to be served pursuant to this section must include:".

Amend sec. 72, page 47, by deleting line 36 and inserting:

"PLEASE CALL (name and telephone number of the contact person for the".

Amend sec. 72, page 47, by deleting lines 38 and 39 and inserting: "CALL THE FORECLOSURE SECTION OF THE OMBUDSMAN'S OFFICE, NEVADA REAL ESTATE DIVISION, AT (toll-free telephone number designated by the Division) IMMEDIATELY".

Amend sec. 72, pages 47 and 48, by deleting lines 41 through 45 on page 47 and lines 1 through 4 on page 48, and inserting:

"4. Proof of service of any copy of the notice of sale required to be served pursuant to this section must consist of:

(a) A certificate of mailing which evidences that the notice was mailed through the United State Postal Service; or

(b) An affidavit of service signed by the person who served the notice stating:

(1) The time of service, manner of service and location of service; and

(2) The name of the person served or, if the notice was not served on a person, a description of the location where the notice was posted on the unit."

Amend sec. 73, page 48, line 33, by deleting "conformed".

Amend sec. 73, page 48, by deleting line 34 and inserting: "within 30 days after the deed is delivered to the purchaser, or his successor or assign; and".

Amend sec. 74, page 49, by deleting lines 14 through 16 and inserting "been recorded."



Amend the bill as a whole by adding a new section designated sec. 74.5, following sec. 74, to read as follows:

"Sec. 74.5. NRS 116.31185 is hereby amended to read as follows:

116.31185 ~~{A}~~

1. *Except as otherwise provided in subsection 2, a member of an executive board, an officer of an association or a community manager shall not solicit or accept any form of compensation, gratuity or other remuneration that:*

~~{1.}~~ (a) *Would improperly influence or would appear to a reasonable person to improperly influence the decisions made by those persons; or*

~~{2.}~~ (b) *Would result or would appear to a reasonable person to result in a conflict of interest for those persons.*

2. *Notwithstanding the provisions of subsection 1, a member of an executive board, an officer of an association, a community manager or any person working for a community manager shall not accept, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value from:*

(a) *An attorney, law firm or vendor that provides or seeks to provide services to the applicable community or association, or any person working directly or indirectly for such an attorney, law firm or vendor, which total more than \$100 per year per such attorney, law firm or vendor; or*

(b) *A declarant, an affiliate of a declarant or any person responsible for the construction of the applicable community or association, which total more than \$100 per year per such declarant, affiliate or person.*

3. *An attorney, law firm or vendor that provides or seeks to provide services to a community or association, or any person working directly or indirectly for such an attorney, law firm or vendor, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manger, which total more than \$100 per year per such member, officer, community manager or person.*

4. *A declarant, an affiliate of a declarant or any person responsible for the construction of a community or association, shall not provide, directly or indirectly, any gifts, incentives, gratuities, rewards or other items of value to a member of the executive board, an officer of the association, the community manager or any person working for the community manger, which total more than \$100 per year per such member, officer, community manager or person."*

Amend sec. 75, page 49, lines 40 and 41, by deleting "a reserve" and inserting: "~~{a reserve}~~ reserves".

Amend sec. 75, page 49, line 44, by deleting "a reserve" and inserting: "~~{a reserve}~~ reserves".

Amend the bill as a whole by adding a new section designated sec. 75.5, following sec. 75, to read as follows:

"Sec. 75.5. NRS 116.4106 is hereby amended to read as follows:

116.4106 1. The public offering statement of a common-interest community containing any converted building must contain, in addition to the information required by NRS 116.4103 and 116.41035:

(a) A statement by the declarant, based on a report prepared by an independent registered architect or licensed professional engineer, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the building;

(b) ~~[A statement by the declarant of the expected useful life of each item reported in paragraph (a) or a statement that no representations are made in that regard; and~~

~~(c)}~~ A list of any outstanding notices of uncured violations of building codes or other municipal regulations, together with the estimated cost of curing those violations ~~[; and~~

(c) *The budget to maintain the reserves required pursuant to paragraph (b) of subsection 2 of NRS 116.3115 which must include, without limitation:*

*(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements;*

*(2) As of the end of the fiscal year for which the budget was prepared, the current estimate of the amount of cash reserves that are necessary to repair, replace and restore the major components of the common elements and the current amount of accumulated cash reserves that are set aside for such repairs, replacements and restorations;*

*(3) A statement as to whether the declarant has determined or anticipates that the levy of one or more special assessments will be required within the next 10 years to repair, replace and restore any major component of the common elements or to provide adequate reserves for that purpose;*

*(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves described in subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of reserves required pursuant to NRS 116.31152; and*

*(5) The funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years.*

2. This section applies only to a common-interest community comprised of a converted building or buildings containing more than 12 units that may be occupied for residential use."

Amend sec. 76, page 50, line 34, by deleting the colon.

Amend sec. 76, page 50, line 35, after "~~purchaser;~~" by inserting: "a resale package containing all of the following:".

Amend sec. 76, page 51, by deleting line 8 and inserting:

"2. The ~~[association, within]~~ purchaser may, by written notice, cancel the contract".

Amend sec. 76, page 51, by deleting line 10 and inserting: *"date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the"*.

Amend sec. 76, page 51, line 12, by deleting "may" and inserting "must".

Amend sec. 76, page 51, by deleting lines 16 through 19 and inserting: *"the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:*

*(a) Cancel the contract pursuant to this subsection; or*

*(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.*

*3. Within 10 days after receipt of a written"*.

Amend sec. 76, page 51, line 20, after "agent," by inserting *"the association"*.

Amend sec. 76, page 51, line 21, by deleting the colon and inserting: *"all of the following to the unit's owner or his authorized agent for inclusion in the resale package:"*.

Amend sec. 76, page 51, line 25, after "(d)" by inserting *"of"*.

Amend sec. 76, page 51, line 27, by deleting "an" and inserting *"the"*.

Amend sec. 76, page 51, by deleting lines 28 through 30 and inserting: *"pursuant to subsection 3:*

*(a) The unit's owner or his authorized agent shall include the documents and certificate in the resale package provided to the"*.

Amend sec. 76, page 51, lines 35 and 36, by deleting: *"documents and certificate."* and inserting: *"certificate furnished pursuant to subsection 3."*.

Amend sec. 76, page 51, by deleting lines 37 through 43 and inserting: *"association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.*

*(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.*

*(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3."*

Amend sec. 76, page 51, line 44, by deleting "6." and inserting *"5."*.

Amend sec. 76, page 52, by deleting lines 5 through 8 and inserting:

*"[4.] 6. Upon the request of a unit's owner [3] or his authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to [subsection 1] this section, or his authorized agent, [of the unit's owner or the purchaser] the association shall make the entire"*.

Amend sec. 77, page 52, line 24, by deleting "*TERMINATE*" and inserting "*CANCEL*".

Amend sec. 77, page 52, by deleting lines 26 through 35 and inserting: "*When you enter into a purchase agreement to buy a home or unit in a common-interest community, in most cases you should receive either a public offering statement, if you are the original purchaser of the home or unit, or a resale package, if you are not the original purchaser. The law generally provides for a 5-day period in which you have the right to cancel the purchase agreement. The 5-day period begins on different starting dates, depending on whether you receive a public offering statement or a resale package. Upon receiving a public offering statement or a resale package, you should make sure you are informed of the deadline for exercising your right to cancel. In order to exercise your right to cancel, the law generally requires that you hand deliver the notice of cancellation to the seller within the 5-day period, or mail the notice of cancellation to the seller by prepaid United States mail within the 5-day period. For more information regarding your right to cancel, see Nevada Revised Statutes 116.4108, if you received a public offering statement, or Nevada Revised Statutes 116.4109, if you received a resale package.*".

Amend sec. 77, page 52, by deleting lines 39 through 41 and inserting: "Declaration of Covenants, Conditions and Restrictions ~~{(C, C & R's) that should be provided for your review before making your purchase. The C, C & R's}~~. The CC&Rs become a part of the title to your".

Amend sec. 77, page 52, line 44, by deleting: "C, C & R's," and inserting "[~~C, C & R's,~~] CC&Rs,".

Amend sec. 77, page 53, lines 4 and 6, by deleting: "C, C & R's," and inserting: "[~~C, C & R's,~~] CC&Rs,".

Amend sec. 77, page 53, lines 15 and 17, by deleting "homeowner's" and inserting "[~~homeowner's}~~ homeowners".

Amend sec. 77, page 53, line 26, by deleting "maintain adequate" and inserting: "[~~maintain}~~ provide adequate funding for".

Amend sec. 77, page 53, line 39, by deleting "HOMEOWNER'S" and inserting "[~~HOMEOWNER'S}~~ HOMEOWNERS".

Amend sec. 77, page 53, line 41, by deleting "homeowner's" and inserting "[~~homeowner's}~~ homeowners".

Amend sec. 77, page 54, line 10, after "professional" by inserting "community".

Amend sec. 77, page 54, line 12, by deleting "Homeowner's" and inserting "[~~Homeowner's}~~ Homeowners".

Amend sec. 77, page 54, line 17, by deleting: "C, C & R's" and inserting: "[~~C, C & R's}~~ CC&Rs".

Amend sec. 77, page 54, by deleting lines 30 through 32 and inserting: "bodies that are more responsive to your needs. If ~~{persons controlling the association or its management are not complying with state laws or the governing documents, your remedy is typically to seek}~~ you have a dispute

*with the association, its executive board or other governing bodies, you may be able to resolve the dispute through the complaint, investigation and intervention process administered by the Office of the Ombudsman for Owners in Common-Interest Communities, the Nevada Real Estate Division and the Commission for Common Interest Communities. However, to resolve some disputes, you may have to*".

Amend sec. 77, page 54, line 34, after "unsuccessful," by inserting: "you may have to".

Amend sec. 77, page 54, line 41, by deleting "BUYERS" and inserting "[~~BUYERS~~] PURCHASERS".

Amend sec. 77, page 54, line 44, by deleting "to a" and inserting "[~~to~~] a".

Amend sec. 77, page 54, by deleting line 45 and inserting: "property [~~, before you enter into a purchase agreement,~~] with a copy of the".

Amend sec. 77, page 55, line 1, by deleting: "C, C & R's," and inserting: "[~~C, C & R's,~~] CC&Rs,".

Amend sec. 77, page 55, by deleting lines 12 through 14 and inserting: "are aware. [~~You are also required to provide a copy of the minutes from the most recent meeting of the homeowner's association or its executive board.]~~ For more information regarding these".

Amend sec. 77, page 55, line 15, by deleting "116.4103 and" and inserting "[~~116.4103 and~~"]".

Amend sec. 77, page 55, line 39, after "from" by inserting: "the Office of".

Amend sec. 79, page 57, by deleting lines 18 through 20 and inserting:

"[~~7. The Division may publish or supply a reference manual or study guide for community managers and may offer it for sale at a reasonable fee.]~~".

Amend the bill as a whole by adding a new section designated sec. 79.5, following sec. 79, to read as follows:

"Sec. 79.5. NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, *and section 47.6 of this act*, unless the context otherwise requires, "violation" means a violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel."

Amend sec. 80, page 57, line 23, after "inclusive," by inserting: "*and section 47.6 of this act,*".

Amend sec. 80, page 57, by deleting line 32 and inserting:

"(d) *Any person who holds a permit to conduct a study of the reserves of an association issued pursuant to sections 2 to 35, inclusive, of this act.*

(e) *Any declarant or affiliate of a declarant.*"

Amend sec. 80, page 57, line 35, by deleting "(e)" and inserting "[~~(e)~~] (f)".

Amend sec. 80, page 57, line 36, by deleting "(f)" and inserting "[~~(f)~~] (g)".

Amend the bill as a whole by adding new sections designated section 82.3 and 82.6, following sec. 82, to read as follows:

"Sec. 82.3. NRS 116.795 is hereby amended to read as follows:

116.795 1. If the Commission or the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person ~~[has committed a violation or will continue to commit violations,]~~ *violated or is about to violate any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or Division or a hearing panel*, the Commission or the Division may bring an action in the district court for the county in which the person resides or, if the person does not reside in this State, in any court of competent jurisdiction ~~[in]~~ *within or outside this State*, to *restrain or* enjoin that person from *engaging in or* continuing to commit the violations or from doing any act in furtherance of the violations.

2. The action must be brought in the name of the State of Nevada. *If the action is brought in a court of this State, an order or judgment may be entered, when proper, issuing a temporary restraining order, preliminary injunction or final injunction. A temporary restraining order or preliminary injunction must not be issued without at least 5 days' notice to the opposite party.*

3. The court may issue the *temporary restraining order, preliminary injunction or final injunction* without:

- (a) Proof of actual damages sustained by any person.
- (b) The filing of any bond.

Sec. 82.6. Chapter 119 of NRS is hereby amended by adding thereto a new section to read as follows:

*It is unlawful for a developer to sell any lot, parcel, unit or interest in a subdivision without complying with the provisions of NRS 116.4106, if applicable."*

Amend sec. 99, page 74, line 36, by deleting "116.31075,".

Amend sec. 100, page 74, line 40, by deleting: "October 6, 2006," and inserting: "October 1, 2007,".

Amend sec. 100, page 75, line 15, by deleting "2006," and inserting "2007,".

Amend sec. 100, page 75, line 16, by deleting "2007." and inserting "2008.".

Amend sec. 100, page 75, line 25, by deleting "2007." and inserting "2008.".

Amend sec. 101, page 75, line 40, by deleting: "on July 1, 2005," and inserting: "upon passage and approval".

Amend the leadlines of repealed sections by deleting the leadline of NRS 116.31075.

Amendment No. 1032.

Amend sec. 39, page 12, line 1, by deleting "5" and inserting "10".

Senator Townsend moved that the Senate do not concur in the Assembly amendments to Senate Bill No. 325.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 333.

The following Assembly amendment was read:

Amendment No. 1043.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 644.0245 is hereby amended to read as follows:

644.0245 "Demonstrator of cosmetics" means a person who ~~[-, without charge and without advertising his services,]~~ demonstrates the application of cosmetics in a cosmetological establishment for the sole purpose of selling cosmetics.

Sec. 2. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

- (a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his education;
- (b) Has practiced as a full-time licensed cosmetologist, aesthetician or manicurist for 1 year and submits written verification of his experience;
- (c) Is licensed pursuant to this chapter;
- (d) Applies for a provisional license on a form supplied by the Board;
- (e) Submits two current photographs of himself; and
- (f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than \$25 nor more than \$40 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license ~~[-]~~ *or 1 year from the date of issuance, whichever occurs first.* The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination."

Amend the bill as a whole by deleting sec. 2, renumbering sections 3 through 6 as sections 5 through 8 and adding a new section designated sec. 4, following section 1, to read as follows:

"Sec. 4. NRS 644.383 is hereby amended to read as follows:

644.383 1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety in the amount ~~[- of \$10,000 -]~~ *determined by the Board pursuant to this section.*

2. *The amount of the bond required for a school of cosmetology is the total of the amounts of the bonds for all of the programs offered by the school, except that:*

*(a) The total amount determined pursuant to subsections 3 to 5, inclusive, must be rounded down to the nearest \$5,000; and*

*(b) The amount of the bond required for the school must not be less than \$10,000 or more than \$400,000.*

3. *Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.*

4. *If the length of a program at a school of cosmetology is less than one year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.*

5. *Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:*

*(a) Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or*

*(b) Any other program administered by the United States Department of Education through which students at the school receive loans.*

6. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board and every bond must set forth this fact.

~~{3-}~~ 7. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond."

Amend sec. 3, page 3, between lines 40 and 41, by inserting:

"5. *Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy:*



(a) *The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and*

(b) *The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program."*

Amend the title of the bill to read as follows:

"AN ACT relating to professions; revising provisions governing demonstrators of cosmetics; revising provisions governing licensure of certain instructors regulated by the Board; revising and repealing various provisions governing the regulation of cosmetological establishments and schools of cosmetology; authorizing operators of cosmetological establishments to lease space to other professionals; revising the requirements for a surety bond for certain schools of cosmetology; authorizing schools of cosmetology to offer courses or programs relating to massage therapy and providing for the regulation of such courses or programs by the Board; revising the number of classroom hours required of certain cosmetological students; and providing other matters properly relating thereto."

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 333.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 335.

The following Assembly amendment was read:

Amendment No. 959.

Amend the bill as a whole by adding new sections designated sections 5.3 through 5.7, following sec. 5, to read as follows:

"Sec. 5.3. NRS 643.120 is hereby amended to read as follows:

643.120 ~~{Any}~~ *Except as otherwise provided in NRS 643.130, any person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter must be admitted to practice as a licensed barber or apprentice pursuant to the regulations adopted by the Board.*

Sec. 5.5. NRS 643.130 is hereby amended to read as follows:

643.130 *1. A license as a barber or an apprentice must be issued by the Board to any applicant who:*

~~{1-}~~ (a) *Passes an examination as provided for in NRS 643.070 and 643.080;*

~~{2-}~~ (b) *Possesses the other qualifications required by the provisions of this chapter;*

~~{3-}~~ (c) *Submits the statement required pursuant to NRS 643.095; and*

~~{4.}~~ (d) Complies with the requirements set forth in the regulations of the Board.

2. *A person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter, who has applied for an examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of temporary exemption if:*

(a) *The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;*

(b) *The Board has approved the person to sit for the examination required pursuant to NRS 643.100;*

(c) *The person has not previously failed an examination for licensure as a barber;*

(d) *The person engages in the practice of barbering under the supervision of a barber licensed pursuant to this chapter and in accordance with the provisions of this chapter and the regulations of the Board; and*

(e) *The person complies with any other requirements of the Board to engage in the practice of barbering during the period of the temporary exemption.*

3. *The temporary exemption authorized pursuant to subsection 2 begins on the date on which the Board notifies the person that he may engage in the practice of barbering under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed barber.*

Sec. 5.7. NRS 643.130 is hereby amended to read as follows:

643.130 1. A license as a barber or an apprentice ~~{shall}~~ must be issued by the Board to any applicant who ~~{shall}~~:

~~1.—Pass}~~

(a) *Passes* an examination as provided for in NRS 643.070 and 643.080.

~~{2.—Possess}~~

(b) *Possesses* the other qualifications required by the provisions of this chapter.

~~{3.—Meet}~~

(c) *Meets* the requirements as set forth in the rules and regulations of the Board.

2. *A person who has a license or certificate as a barber or an apprentice from another state, the District of Columbia or a country which has substantially the same requirements for licensing barbers and apprentices as are required by the provisions of this chapter, who has applied for an*

*examination before the Board and who meets the qualifications set forth in NRS 643.070, except subsection 5 thereof, is temporarily exempt from licensure and may engage in the practice of barbering during the period of temporary exemption if:*

*(a) The person has submitted a completed application for licensure for the first time and the application has been approved by the Board;*

*(b) The Board has approved the person to sit for the examination required pursuant to NRS 643.100;*

*(c) The person has not previously failed an examination for licensure as a barber;*

*(d) The person engages in the practice of barbering under the supervision of a barber licensed pursuant to this chapter and in accordance with the provisions of this chapter and the regulations of the Board; and*

*(e) The person complies with any other requirements of the Board to engage in the practice of barbering during the period of the temporary exemption.*

3. *The temporary exemption authorized pursuant to subsection 2 begins on the date on which the Board notifies the person that he may engage in the practice of barbering under the temporary exemption and continues until the date of the examination if the person does not take the examination or until the date on which the Board notifies the person of the results of the examination. During the period of the temporary exemption, the person is subject to the regulatory and disciplinary authority of the Board to the same extent as a licensed barber."*

Amend sec. 30, page 14, by deleting line 37 and inserting:

"Sec. 30. 1. This section and sections 5.3 and 5.5 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, 6 to 18, inclusive, and"

Amend sec. 30, page 14, by deleting line 39 and inserting:

"3. The provisions of sections 5.5 and 18 of this act expire by limitation".

Amend sec. 30, page 15, by deleting line 7 and inserting:

"4. Sections 5.7 and 19 of this act become effective on the date on".

Amend the title of the bill, third line, after "violations;" by inserting: "providing for a temporary exemption from licensure as a barber or barber's apprentice under certain circumstances;"

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 335.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 356.

The following Assembly amendment was read:

Amendment No. 906.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

*There are exempted from the taxes imposed by this chapter the gross receipts from the sale of, and the storage, use or other consumption in a county of, any:*

1. *Computer equipment;*
2. *Article of clothing, the sales price of which does not exceed \$1,000;*
- and*
3. *School supply,*

*↪ sold from August 26, 2005, to August 28, 2005, inclusive."*

Amend the bill as a whole by renumbering sections 3 through 15 as sections 7 through 19 and adding new sections designated sections 4 through 6, following sec. 2, to read as follows:

"Sec. 4. NRS 374.120 is hereby amended to read as follows:

374.120 1. It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer , ~~for~~ that *if applicable* it will not be added to the selling price of the property sold , or that if added it or any part thereof will be refunded.

2. Any person violating any provision of this section is guilty of a misdemeanor.

Sec. 5. NRS 374.210 is hereby amended to read as follows:

374.210 It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer , ~~for~~ that *if applicable* it will not be added to the selling price of the property sold , or that if added it or any part thereof will be refunded.

Sec. 6. NRS 374.265 is hereby amended to read as follows:

374.265 "Exempted from the taxes imposed by this chapter," as used in NRS 374.265 to 374.355, inclusive, *and section 1 of this act* means exempted from the computation of the amount of taxes imposed."

Amend sec. 15, page 8, by deleting lines 39 through 45 and inserting:

"Sec. 19. 1. This section and sections 1, 4, 5 and 6 of this act become effective upon passage and approval.

2. Sections 7 to 17, inclusive, and subsection 2 of section 18 of this act become effective on October 1, 2005.

3. Sections 2 and 3 and subsection 1 of section 18 of this act become effective on January 1, 2007, only if the proposal submitted pursuant to sections 10 to 14, inclusive, of this act is not approved by the voters at the General Election on November 7, 2006.

4. Sections 1, 4, 5 and 6 of this act expire by limitation on August 31, 2005."

Amend the title of the bill by deleting the first line and inserting:

"AN ACT relating to taxation; prescribing a sales tax holiday from certain sales and use taxes for certain sales of computer equipment, clothing and school supplies; revising the provisions governing the".

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions governing amount of sales and use taxes due on certain retail sales. (BDR 32-1106)".

Senator McGinness moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 356.

Remarks by Senator McGinness.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 386.

The following Assembly amendments were read:

Amendment No. 931.

Amend the bill as a whole by deleting sections 1 and 2 and adding:

"Secs. 1 and 2. (Deleted by amendment.)".

Amend sec. 3, page 2, by deleting line 21 and inserting:

"Sec. 3. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Provisional ballot" means a ballot voted by a person".*

Amend the bill as a whole by deleting sections 4 through 6 and adding:

"Secs. 4-6. (Deleted by amendment.)".

Amend sec. 7, page 4, line 36, by deleting: *"sections 2 and"* and inserting *"section"*.

Amend the bill as a whole by deleting section 13 and adding:

"Sec. 13. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 18.5, following sec. 18, to read as follows:

"Sec. 18.5. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. The Secretary of State shall prescribe the forms for a declaration of candidacy, certificate of candidacy, acceptance of candidacy and any petition which is filed pursuant to the general election laws of this State.

2. The regulations must prescribe:

- (a) The duties of election boards;
- (b) The type and amount of election supplies;
- (c) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;
- (d) The method to be used in distributing ballots to precincts and districts;
- (e) The method of inspection and the disposition of ballot boxes;
- (f) The form and placement of instructions to voters;

- (g) The recess periods for election boards;
- (h) The size, lighting and placement of voting booths;
- (i) The amount and placement of guardrails and other furniture and equipment at voting places;
- (j) The disposition of election returns;
- (k) The procedures to be used for canvasses, ties, recounts and contests ~~[-]~~, *including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;*
- (l) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;
- (m) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;
- (n) *The procedures to be used for the testing, use and auditing of a mechanical voting system that directly records the votes electronically and that creates a paper record when a voter casts a ballot on the system;*
- (o) The procedures to be used for the disposition of absent ballots in case of an emergency;
- ~~[(o)]~~ (p) The forms for applications to register to vote and any other forms necessary for the administration of this title; and
- ~~[(p)]~~ (q) Such other matters as determined necessary by the Secretary of State.

3. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

4. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

- (a) Laws and regulations concerning elections in this State;
- (b) Interpretations issued by the Secretary of State's Office; and
- (c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State."

Amend the bill as a whole by deleting sec. 25 and adding:

"Sec. 25. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 27 and adding:

"Sec. 27. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 30 through 37 and adding:

"Secs. 30-37. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 47 and adding:

"Sec. 47. (Deleted by amendment.)".

Amend sec. 57, page 31, line 34, by deleting: "to the state or" and inserting: "*both* to the state ~~[-]~~ *central committee of any major political party and to the*".

Amend sec. 57, page 31, line 35, by deleting "or" and inserting: "~~for~~ , and".

Amend sec. 57, page 32, by deleting line 10 and inserting: "State, record for ~~that~~ both the state central committee and the county central committee ~~or~~ of the major political party, if requested, and for the".

Amend sec. 57, page 32, line 11, after "committee" by inserting: "of the minor political party, if requested,".

Amend the bill as a whole by deleting sec. 63 and adding:

"Sec. 63. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 73 and adding:

"Sec. 73. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 77 and adding:

"Sec. 77. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 79 and adding:

"Sec. 79. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 82 through 85 and adding:

"Secs. 82-85. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 88 and adding:

"Sec. 88. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 96 and adding:

"Sec. 96. (Deleted by amendment.)".

Amend sec. 122, page 88, by deleting line 24 and inserting:

"Sec. 122. NRS 293.075, 293.12756, 293.233, 293.245, 293.293".

Amend sec. 122, page 88, line 26, by deleting "293C.265,".

Amend the leadlines of repealed sections by deleting the leadlines of NRS 293.272 and 293C.265 and adding the leadline of NRS 293.12756.

Amend the title of the bill by deleting the seventh through seventeenth lines and inserting "making various".

Amendment No. 1002.

Amend the bill as a whole by adding a new section designated sec. 110.5, following sec. 110, to read as follows:

"Sec. 110.5. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *It is unlawful for a person who is elected to any county, city or township office or other office of a political subdivision of this State to solicit or accept any monetary contribution, or to solicit or accept a commitment to make such a contribution, for any political purpose during the period beginning 45 days after the person has been issued a certificate of election to the public office and ending 180 days before the last day to file as a candidate for that office at the next preceding election for that office pursuant to the provisions of NRS 293.177 or 293C.185.*

2. *This section does not prohibit the payment of a salary or other compensation or income to a person who is elected to a public office if it is made for services provided as a part of his regular employment or is additional income to which he is entitled."*

Amend the bill as a whole by adding new sections designated sections 119.2 through 119.8, following sec. 119, to read as follows:

"Sec. 119.2. NRS 241.037 is hereby amended to read as follows:

241.037 1. The Attorney General may sue in any court of competent jurisdiction to have an action taken by a public body declared void or for an injunction against any public body or person to require compliance with or prevent violations of the provisions of this chapter. The injunction:

(a) May be issued without proof of actual damage or other irreparable harm sustained by any person.

(b) Does not relieve any person from criminal prosecution for the same violation.

2. Any person denied a right conferred by this chapter may sue in the district court of the district in which the public body ordinarily holds its meetings or in which the plaintiff resides. A suit may seek to have an action taken by the public body declared void, to require compliance with or prevent violations of this chapter or to determine the applicability of this chapter to discussions or decisions of the public body. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this subsection.

3. Any suit brought against a public body pursuant to subsection 1 or 2 to require compliance with the provisions of this chapter must be commenced within 120 days after the action objected to was taken by that public body in violation of this chapter. Any such suit brought to have an action declared void must be commenced within 60 days after the action objected to was taken.

4. *A public body or person who violates the provisions of this chapter two or more times within 5 years is liable, in addition to any other penalty or remedy that may be provided by law, for a civil penalty of:*

*(a) Not more than \$5,000 for the second offense; and*

*(b) Not more than \$10,000 for each subsequent offense committed within that 5-year period,*

*➤ which penalty may be recovered by civil action on complaint of the Attorney General. All money collected as civil penalties pursuant to this subsection must be deposited in the State General Fund.*

Sec. 119.4. NRS 241.040 is hereby amended to read as follows:

241.040 1. Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

2. Wrongful exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which action is taken in violation of this chapter is not the accomplice of any other member so attending.

4. The Attorney General shall ~~investigate~~ :



- (a) Investigate and prosecute any violation of this chapter ~~[7]~~; and
- (b) Report to the Commission on Ethics each member of a public body that is convicted of a violation of subsection 1.

Sec. 119.6. NRS 281.481 is hereby amended to read as follows:

281.481 A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.

(b) "Unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of his public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

➡ If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the Legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the Legislator or legislative employee to perform his official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of his official position.

11. *A public officer or employee who is a member of a public body shall not attend a meeting of that public body where action is taken in violation of any provision of chapter 241 of NRS if the public officer or employee knows or should have known that the meeting is in violation thereof.*

Sec. 119.8. NRS 281.551 is hereby amended to read as follows:

281.551 1. In addition to any other penalty provided by law, the Commission may impose on a public officer or employee or former public officer or employee civil penalties:

(a) Not to exceed ~~[\$5,000]~~ \$10,000 for a first willful violation of this chapter;

(b) Not to exceed ~~[\$10,000]~~ \$15,000 for a separate act or event that constitutes a second willful violation of this chapter; and

(c) Not to exceed ~~[\$25,000]~~ \$30,000 for a separate act or event that constitutes a third willful violation of this chapter.

2. In addition to other penalties provided by law, the Commission may impose a civil penalty not to exceed \$5,000 and assess an amount equal to the amount of attorney's fees and costs actually and reasonably incurred by the person about whom an opinion was requested pursuant to NRS 281.511, against a person who prevents, interferes with or attempts to prevent or interfere with the discovery or investigation of a violation of this chapter.

3. If the Commission finds that a violation of a provision of this chapter by a public officer or employee or former public officer or employee has resulted in the realization by another person of a financial benefit, the Commission may, in addition to other penalties provided by law, require the current or former public officer or employee to pay a civil penalty of not more than twice the amount so realized.

4. In addition to any other penalty provided by law, by an affirmative vote of two-thirds of the Commission, the Commission may impose on any person who violates any provision of NRS 294A.345 or 294A.346 a civil penalty not to exceed \$5,000. The Commission shall not impose a civil penalty for a violation of NRS 294A.345 unless the Commission has made the specific findings required pursuant to subsection 7 of NRS 281.477.

5. If the Commission finds that:

(a) A willful violation of this chapter has been committed by a public officer removable from office by impeachment only, the Commission shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.

(b) A willful violation of this chapter has been committed by a public officer removable from office pursuant to NRS 283.440, the Commission may file a proceeding in the appropriate court for removal of the officer.

(c) Three or more willful violations have been committed by a public officer removable from office pursuant to NRS 283.440, the Commission shall file a proceeding in the appropriate court for removal of the officer.

6. An action taken by a public officer or employee or former public officer or employee relating to NRS 281.481, 281.491, 281.501 or 281.505 is not a willful violation of a provision of those sections if the public officer or employee:

(a) Relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents or by the employer of the public employee or upon the manual published by the Commission pursuant to NRS 281.471;

(b) Was unable, through no fault of his own, to obtain an opinion from the Commission before the action was taken; and

(c) Took action that was not contrary to a prior published opinion issued by the Commission.

7. In addition to other penalties provided by law, a public employee who willfully violates a provision of NRS 281.481, 281.491, 281.501 or 281.505 is subject to disciplinary proceedings by his employer and must be referred for action in accordance to the applicable provisions governing his employment.

8. NRS 281.481 to 281.541, inclusive, do not abrogate or decrease the effect of the provisions of the Nevada Revised Statutes which define crimes or prescribe punishments with respect to the conduct of public officers or employees. If the Commission finds that a public officer or employee has committed a willful violation of this chapter which it believes may also constitute a criminal offense, the Commission shall refer the matter to the Attorney General or the district attorney, as appropriate, for a determination of whether a crime has been committed that warrants prosecution.

9. The imposition of a civil penalty pursuant to subsections 1 to 4, inclusive, is a final decision for the purposes of judicial review.

10. A finding by the Commission that a public officer or employee has violated any provision of this chapter must be supported by a preponderance of the evidence unless a greater burden is otherwise prescribed by law."

Amend the title of the bill by deleting the first and second lines and inserting:

"AN ACT relating to government; eliminating various obsolete provisions governing elections; providing for when a candidate for the office".

Amend the title of the bill, twenty-fourth line, after "expenditures;" by inserting: "prohibiting certain public officers from soliciting or accepting monetary contributions for any political purposes during certain times; providing civil penalties for repeated violations of the Open Meeting Law; making attendance by a member of a public body at a meeting of the public body that violates the Open Meeting Law an ethics violation in certain circumstances; increasing the civil penalties for willful violations of the ethics provisions;"

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes relating to public office. (BDR 24-311)".

Senator Cegavske moved that the Senate do not concur in the Assembly amendments to Senate Bill No. 386.

Remarks by Senator Cegavske.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 394.

The following Assembly amendment was read:

Amendment No. 1077.

Amend the bill as a whole by renumbering sections 23 through 27 as sections 24 through 28 and adding a new section designated sec. 23, following sec. 22, to read as follows:

"Sec. 23. NRS 361.530 is hereby amended to read as follows:

361.530 ~~[1. Except as otherwise provided in this section, on]~~ On all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of ~~[8]~~ 6 percent on the gross amount of collections from personal property tax.

~~[2. One quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.]~~".

Amend the bill as a whole by renumbering sections 28 through 39 as sections 42 through 53 and adding new sections designated sections 29 through 41, following sec. 27, to read as follows:

"Sec. 29. The Legislature hereby finds and declares that because of the shortage of real property available to the urban and rural communities in Nevada, it is in the best interests of the people of the State of Nevada to encourage the development of property as golf courses so as to preserve open space in both residential and commercial areas of development.

Sec. 30. Chapter 361A of NRS is hereby amended by adding thereto the provisions set forth as sections 31 and 32 of this act.

Sec. 31. 1. "Golf course" means:

(a) Real property that may be used for golfing or golfing practice by the public or by the members and guests of a private club; and

(b) Improvements to that real property, including, without limitation, turf, bunkers, trees, irrigation, lakes, lake liners, bridges, practice ranges, golf greens, golf tees, paths and trails.

2. The term does not include:

(a) A commercial golf driving range that is not operated in conjunction with a golf course.

(b) A clubhouse, pro shop, restaurant or other building that is associated with a golf course.

Sec. 32. 1. For the purposes of NRS 361A.220, the value for open-space use of real property used as a golf course in a fiscal year is equal to the sum of:

(a) An amount equal to \$2,860 per acre of real property used as the golf course multiplied by 1 plus the percentage change in the Consumer Price Index (All Items) for July 1 of the current year as compared to July 1, 2004; and

(b) The value of the improvements made to the real property before that fiscal year as adjusted for obsolescence.

2. *The Nevada Tax Commission shall establish a manual for the assessment of improvements made to real property used as a golf course. The manual must require:*

(a) *The use of such standards and modifiers, as published or furnished by the Marshall and Swift Publication Company, as the Nevada Tax Commission determines to be applicable; and*

(b) *For the purpose of determining obsolescence, the consideration of such factors as the Nevada Tax Commission determines to be appropriate. Those factors must include a factor for golf courses that are not used on a consistently frequent basis each month of the year, which is based upon the actual number of rounds of golf played on the golf course in relation to the number of rounds that could have been played under optimum conditions.*

Sec. 33. NRS 361A.010 is hereby amended to read as follows:

361A.010 As used in this chapter, the terms defined in NRS 361A.020 to 361A.065, inclusive, *and section 31 of this act* have the meanings ascribed to them in those sections except where the context otherwise requires.

Sec. 34. NRS 361A.040 is hereby amended to read as follows:

361A.040 "Open-space real property" means:

1. Land:

(a) Located within an area classified pursuant to NRS 278.250 and subject to regulations designed to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; and

(b) Devoted exclusively to open-space use.

2. The improvements on the land *described in subsection 1 that is* used primarily to support the open-space use and not primarily to increase the value of surrounding developed property or secure an immediate monetary return.

3. *Land that is used as a golf course.*

Sec. 35. NRS 361A.050 is hereby amended to read as follows:

361A.050 "Open-space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies, maintain natural features which enhance control of floods or preserve sites designated as historic by the Office of Historic Preservation of the Department of Cultural Affairs. *The use of real property and the improvements on that real property as a golf course shall be deemed to be an open-space use of the land.*

Sec. 36. NRS 361A.090 is hereby amended to read as follows:

361A.090 1. It is the intent of the Legislature to:

(a) Constitute agricultural and open-space real property as a separate class for taxation purposes; and

(b) Provide a separate plan for:

(1) Appraisal and valuation of such property for assessment purposes; and

(2) Partial deferred taxation of such property with tax recapture as provided in NRS 361A.280 and 361A.283.

2. The Legislature hereby declares that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence adequate agricultural and open-space lands and the vegetation thereon to assure continued public health and the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens.

3. *The Legislature hereby further finds and declares that the use of real property and improvements on that real property as a golf course achieves the purpose of conserving and enhancing the natural and scenic resources of this State and promotes the conservation of open space.*

Sec. 37. NRS 361A.170 is hereby amended to read as follows:

361A.170 1. *Property used as a golf course is hereby designated and classified as open-space real property and must be assessed as an open-space use.*

2. ~~{The}~~ *In addition to the designation and classification of a golf course as open-space real property pursuant to subsection 1, the governing body of each city or county shall, from time to time, specify by resolution ~~{the}~~ additional designations or classifications under its master plan that are designed to promote the conservation of open space, the maintenance of natural features for control of floods and the protection of other natural and scenic resources from unreasonable impairment.*

~~{2.}~~ 3. The board of county commissioners shall, from time to time, adopt by ordinance procedures and criteria which must be used in considering an application for open-space use assessment ~~{}~~ *based on a designation or classification adopted pursuant to subsection 2.* The criteria may include requirements respecting public access to and the minimum size of the property.

Sec. 38. NRS 361A.180 is hereby amended to read as follows:

361A.180 Any owner of real property may apply to the county assessor for open-space use assessment *based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170* and the payment of taxes on such property as provided in this chapter.

Sec. 39. NRS 361A.220 is hereby amended to read as follows:

361A.220 1. If ~~{the}~~ property is ~~{found by the board of county commissioners}~~ *to be assessed as open-space real property*, the county assessor shall determine its value for open-space use and assess it for taxes to be collected in the ensuing fiscal year at 35 percent of that value.

2. The open-space use assessment must be maintained in the records of the assessor and must be made available to any person upon request. The property owner must be notified of the open-space use assessment in the manner provided for notification of taxable value assessments. The notice must contain the statement: Deferred taxes will become due on any portion of this parcel which is converted to a higher use.

Sec. 40. NRS 361A.230 is hereby amended to read as follows:

361A.230 1. The county assessor shall enter on the assessment roll the valuation based on open-space use until the property becomes disqualified for open-space use assessment by:

(a) ~~Notification by the applicant to the assessor to remove the open-space use assessment;~~

~~(b)~~ Sale or transfer to an owner making it exempt from ad valorem property taxation;

~~(c)~~ (b) Removal of the open-space use assessment by the assessor, with the concurrence of the board, upon discovery that the property is no longer in the ~~approved~~ open-space use; or

~~(d)~~ (c) *If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170:*

(1) *Notification by the applicant to the assessor to remove the open-space use assessment; or*

(2) *Failure to file a new application as provided in NRS 361A.190.*

2. Except as otherwise provided in paragraph ~~(b)~~ (a) of subsection 1, the sale or transfer to a new owner or transfer by reason of death of a former owner does not operate to disqualify open-space real property from open-space use assessment so long as the property continues to be used exclusively for an ~~approved~~ open-space use. ~~If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the new owner applies must apply for open-space use assessment in the manner provided in NRS 361A.190.~~

3. Whenever open-space real property becomes disqualified under subsection 1, the county assessor shall send a written notice of disqualification by certified mail with return receipt requested to each owner of record. The notice must contain the assessed value for the ensuing fiscal year.

Sec. 41. NRS 361A.240 is hereby amended to read as follows:

361A.240 1. The determination of use and the open-space use assessment in each year are final unless appealed.

2. ~~The~~ *If the application for an open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the applicant for the open-space assessment is entitled to:*

(a) Appeal the determination made by the board of county commissioners to the district court in the county where the property is located, or if located in more than one county, in the county in which the major portion of the property is located, as provided in NRS 278.0235.

(b) Equalization of the open-space use assessment in the manner provided in chapter 361 of NRS for complaints of overvaluation, excessive valuation or undervaluation."

Amend sec. 28, page 20, line 31, after "must" by inserting: ", unless the property is sold or transferred to the Nevada System of Higher Education, a school district or another local governmental entity,".



Amend sec. 33, page 21, by deleting lines 43 and 44 and inserting:

"2. The money in the Account ~~must~~ :

(a) *Must* be accounted for separately and not as a part of any other account  
[ ] ; and

(b) *Must not be used to replace or supplant any money available from other sources to acquire technology for and improve technology used in the office of the county assessor."*

Amend sec. 39, page 25, line 24, by deleting "37" and inserting "51".

Amend the bill as a whole by renumbering sections 40 and 41 as sections 56 and 57 and adding new sections designated sections 54 and 55, following sec. 39, to read as follows:

"Sec. 54. The Nevada Tax Commission shall establish the manual required by section 32 of this act not later than July 1, 2006.

Sec. 55. On or before July 1, 2006, and July 1, 2007, the county assessor of each county shall submit to the board of county commissioners of the county and the Legislative Commission a report of:

1. Any technology acquired and any improvements in the technology used in the office of the county assessor as a result of the money accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor pursuant to NRS 361.530 and 362.170, as amended by this act; and

2. The means by and extent to which that money has assisted the county assessor in the collection of taxes."

Amend sec. 41, page 25, by deleting line 29 and inserting:

"Sec. 57. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, and 42 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

4. Section 23 of this act becomes effective on July 1, 2007.

5. Section 43 of this act expires by limitation on June 30, 2007."

Senator McGinness moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 394.

Remarks by Senator McGinness.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 396.

The following Assembly amendment was read:

Amendment No. 1001.

Amend section 1, page 2, line 1, after "2." by inserting: "*The State Environmental Commission shall adopt regulations:*

(a) *Establishing standards for the construction of an engineered liner and leachate collection system for all new municipal solid waste landfills and all lateral expansions of existing municipal solid waste landfills if either accepts more than 200 tons per day of solid waste on an annual average; and*

(b) *Requiring the installation of an engineered liner and leachate collection system for all new municipal solid waste landfills and all lateral expansions of existing municipal solid waste landfills if either accepts more than 200 tons per day of solid waste on an annual average.*

3."

Amend section 1, page 2, lines 10 and 11, by deleting: "~~State~~ solid waste.

3." and inserting: "~~State~~."

~~3~~ solid waste.

4."

Amend section 1, page 2, line 14, by deleting "4." and inserting "[4.] 5."

Amend the title of the bill, first line, to read as follows:

"AN ACT relating to solid waste; requiring the State Environmental Commission to adopt regulations concerning the construction and installation of liner and leachate collection systems for certain solid waste disposal sites; revising the scope of activity for certain".

Senator Rhoads moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 396.

Remarks by Senator Rhoads.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 457.

The following Assembly amendments were read:

Amendment No. 1087.

Amend sec. 3, page 3, line 10, after "2." by inserting: "*A wholesale dealer, supplier, retailer or retail liquor dealer may bring an action in a court of competent jurisdiction against any person who knowingly violates any provision of NRS 369.180, 369.386, 369.388, 369.486, 369.487 or 369.488 and is entitled to an award of \$1,000 for each violation and may recover the damages sustained by him, together with such costs of the action and reasonable attorney's fees as authorized by NRS 18.110. For the purposes of this subsection, each sale or transaction in violation of NRS 369.180, 369.386, 369.388, 369.486, 369.487 or 369.488 constitutes a separate violation, regardless of the number of sales or transactions.*

3. *A director, officer, agent or employee or a person engaged in the sale or importation of liquor in this State who knowingly assists or aids in a violation of this chapter for which an action is authorized pursuant to this section is liable in such an action.*

4."

Amend sec. 3, page 3, lines 11 and 12, by deleting: "*the wholesale dealer*" and inserting "*a person*".

Amend the title of the bill, third line, after "stores;" by inserting: "authorizing a wholesale dealer, supplier, retailer or retail liquor dealer to bring a civil action for certain violations relating to intoxicating liquor;"

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to intoxicating liquor. (BDR 32-1408)".

Amendment No. 1108.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2 to 11, inclusive,".

Amend the bill as a whole by renumbering sec. 4 as sec. 12 and adding new sections designated sections 4 through 11, following sec. 3, to read as follows:

"Sec. 4. *As used in sections 4 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. "*Alcoholic beverage*" has the meaning ascribed to it in NRS 202.015.

Sec. 6. "*Alcoholic beverage awareness program*" means a program designed to educate persons who sell or serve alcoholic beverages or perform the duties of a security guard at an establishment.

Sec. 7. "*Commission*" means the Commission on Postsecondary Education created by NRS 394.383.

Sec. 8. 1. "*Establishment*" means a business that:

(a) Sells alcoholic beverages by the drink for consumption on the premises; or

(b) Sells alcoholic beverages in corked or sealed containers or receptacles for consumption off the premises.

2. The term includes, without limitation, a retail liquor store.

3. The term does not include:

(a) A wholesale dealer; or

(b) A private club or other facility not in fact open to the public.

Sec. 9. 1. Except as otherwise provided in subsection 2:

(a) On and after July 1, 2006, a person who owns or operates an establishment shall ensure that at least one employee who has successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act is on the premises during the hours the establishment is open for business.

(b) On and after January 1, 2008, a person who owns or operates an establishment shall not:

(1) Hire a person to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:

*(I) The person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or*

*(II) The person who owns or operates the establishment ensures that the person hired to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, within 30 days after the date on which he is hired, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or*

*(2) Continue to employ a person who was hired before that date to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment unless:*

*(I) The person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment has already successfully completed an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act; or*

*(II) The person who owns or operates the establishment ensures that the person who continues to be employed to sell or serve alcoholic beverages or perform the duties of a security guard at the establishment successfully completes, not later than January 31, 2008, an alcoholic beverage awareness program certified by the Commission pursuant to section 10 of this act.*

*(c) The Department shall impose upon an owner or operator of an establishment who violates any of the provisions of this section an administrative fine of not more than:*

*(1) For the first violation within a 24-month period, \$500.*

*(2) For the second violation within a 24-month period, \$1,000.*

*(3) For the third and any subsequent violation within a 24-month period, \$5,000.*

*(d) Any money collected by the Department from fines pursuant to paragraph (c) must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime created by NRS 217.260.*

*(e) Any law enforcement agency whose officer discovers a violation of this section shall report the violation to the Department.*

*2. The provisions of this section apply only in a jurisdiction that:*

*(a) Is located in a county whose population is 400,000 or more; and*

*(b) Before October 1, 2005, has, by ordinance, rule or regulation, established requirements and standards for the education of persons who sell or serve alcoholic beverages at an establishment.*

*Sec. 10. 1. The Commission shall, in cooperation with state and local law enforcement agencies, develop a curriculum for an alcoholic beverage awareness program.*

*2. The curriculum described in subsection 1:*

*(a) Must consist of not fewer than 2 hours of instruction; and*

*(b) Must include, without limitation, instruction on the following topics:*

- (1) The clinical effects of alcohol on the human body;*
- (2) Methods of identifying intoxicated persons;*
- (3) Relevant provisions of state and local laws concerning the selling and serving of alcoholic beverages;*
- (4) Methods of preventing and halting fights, acts of affray and other disturbances of the peace; and*
- (5) Methods of preventing:*
  - (I) The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;*
  - (II) The purchase, consumption and possession of alcoholic beverages by minors as prohibited pursuant to NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and*
  - (III) The selling and furnishing of alcoholic beverages to minors as prohibited pursuant to NRS 202.055.*

3. *The Administrator of the Commission may certify an alcoholic beverage awareness program if the Administrator determines that:*

- (a) The program meets the curricular requirements set forth in subsection 2; and*
- (b) The persons who will serve as instructors for the program are competent and qualified to provide instruction in the curriculum of the program.*

4. *The Commission shall adopt such regulations:*

- (a) As the Commission determines to be necessary or advisable to carry out the provisions of this section; and*
- (b) As are necessary to ensure that a person who successfully completes an alcoholic beverage awareness program certified pursuant to this section receives a card which certifies that the person has successfully completed that program.*

5. *As used in this section, "minor" means a person who is under 21 years of age.*

Sec. 11. 1. *Except as otherwise provided in subsection 2 and sections 4 to 11, inclusive, of this act, no agency, board, commission, local government or other political subdivision of this State may adopt any requirements or standards for the education of persons employed to sell or serve alcoholic beverages at an establishment.*

2. *The prohibition set forth in subsection 1 does not apply with respect to a jurisdiction in which the provisions of section 9 of this act do not apply."*

Amend the bill as a whole by renumbering sec. 5 as sec. 15 and adding new sections designated sections 13 and 14, following sec. 4, to read as follows:

"Sec. 13. NRS 244.350 is hereby amended to read as follows:

244.350 1. The board of county commissioners, and in a county whose population is less than 400,000, the sheriff of that county constitute a liquor board. The liquor board may, without further compensation, grant or refuse

liquor licenses, and revoke those licenses whenever there is, in the judgment of a majority of the board, sufficient reason for revocation. The board shall elect a chairman from among its members.

2. The liquor board in each of the several counties shall enact ordinances:

(a) Regulating the sale of intoxicating liquors in their respective counties.

(b) Fixing the hours of each day during which liquor may be sold or disposed of.

(c) Prescribing the conditions under which liquor may be sold or disposed of.

(d) Prohibiting the employment or service of minors in the sale or disposition of liquor.

(e) Prohibiting the sale or disposition of liquor in places where, in the judgment of the board, the sale or disposition may tend to create or constitute a public nuisance, or where by the sale or disposition of liquor a disorderly house or place is maintained.

3. In a county whose population is 400,000 or more, the liquor board shall refer any petition for a liquor license to the metropolitan police department. The department shall conduct an investigation relating to the petition and report its findings to the liquor board at the next regular meeting of the board.

4. All liquor dealers within any incorporated city are exempt from the effect of this section, and are to be regulated only by the government of that city.

5. *The liquor board may deny or refuse to renew the license of a person who has willfully violated the provisions of section 9 of this act more than three times in any 24-month period.*

6. The liquor board shall not deny a license to a person solely because he is not a citizen of the United States.

Sec. 14. NRS 268.090 is hereby amended to read as follows:

268.090 1. In addition to any authority or power now provided by the charter of any incorporated city in this State, whether incorporated by general or special act, or otherwise, there is hereby granted to each of the cities incorporated under any law of this State the power and authority to fix, impose and collect a license tax on, and regulate the sale of, beer, wines or other beverages now or hereafter authorized to be sold by act of Congress.

2. *An incorporated city may deny or refuse to renew the license of a person who has willfully violated the provisions of section 9 of this act more than three times in any 24-month period.*

3. An incorporated city shall not deny a license to a person solely because he is not a citizen of the United States."

Amend the title of the bill, fifth line, after "liquor;" by inserting:

"requiring certain persons employed at certain establishments where alcoholic beverages are sold to complete certain training; requiring the Department of Taxation to impose administrative fines upon the owners or operators of certain establishments for certain violations;"

Senator McGinness moved that the Senate do not concur in the Assembly amendments to Senate Bill No. 457.

Remarks by Senator McGinness.

Conflict of interest declared by Senator Raggio.

Motion carried.

Bill ordered transmitted to the Assembly.

RECEDE FROM SENATE AMENDMENTS

Senator Washington moved that the Senate do not recede from its action on Assembly Bill No. 42, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Washington, Horsford and Heck as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 42.

RECEDE FROM SENATE AMENDMENTS

Senator Nolan moved that the Senate do not recede from its action on Assembly Bill No. 52, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Nolan, Amodei and Schneider as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 52.

RECEDE FROM SENATE AMENDMENTS

Senator Townsend moved that the Senate do not recede from its action on Assembly Bill No. 63, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Heck, Hardy and Schneider as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 63.

## RECEDE FROM SENATE AMENDMENTS

Senator Amodei moved that the Senate do not recede from its action on Assembly Bill No. 143, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Nolan.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Amodei, Care and McGinness as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 143.

## RECEDE FROM SENATE AMENDMENTS

Senator Amodei moved that the Senate do not recede from its action on Assembly Bill No. 221, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Amodei.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Amodei, Care and McGinness as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 221.

## RECEDE FROM SENATE AMENDMENTS

Senator Amodei moved that the Senate do not recede from its action on Assembly Bill No. 267, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Amodei.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Washington, Wiener and Nolan as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 267.

## RECEDE FROM SENATE AMENDMENTS

Senator Washington moved that the Senate do not recede from its action on Assembly Bill No. 327, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Washington.



Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Nolan, Mathews and Heck as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 327.

RECEDE FROM SENATE AMENDMENTS

Senator Washington moved that the Senate do not recede from its action on Assembly Bill No. 337, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Cegavske, Titus and Nolan as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 337.

RECEDE FROM SENATE AMENDMENTS

Senator Townsend moved that the Senate do not recede from its action on Assembly Bill No. 437, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Schneider, Carlton and Lee as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 437.

RECEDE FROM SENATE AMENDMENTS

Senator Townsend moved that the Senate do not recede from its action on Assembly Bill No. 501, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Carlton, Heck and Tiffany as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 501.

## REPORTS OF COMMITTEES

*Madam President:*

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

*Madam President:*

Your Committee on Transportation and Homeland Security, to which was referred Assembly Bill No. 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chair*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Operations and Elections:

Senate Bill No. 520—AN ACT relating to state printing; creating the State Printing Office within the Legislative Counsel Bureau and providing its duties; providing that the State Printer is the head of the State Printing Office; authorizing the State Printer to accept work for any state, local or federal governmental entity; and providing other matters properly relating thereto.

Senator Cegavske moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 103.

Bill read third time.

Roll call on Senate Bill No. 103:

YEAS—21.

NAYS—None.

Senate Bill No. 103 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 35.

Bill read third time.

Roll call on Assembly Bill No. 35:

YEAS—21.

NAYS—None.

Assembly Bill No. 35 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 388.

Bill read third time.

Roll call on Assembly Bill No. 388:

YEAS—21.

NAYS—None.

Assembly Bill No. 388 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 524.

Bill read third time.

Roll call on Assembly Bill No. 524:

YEAS—21.

NAYS—None.

Assembly Bill No. 524 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 561.

Bill read third time.

Remarks by Senators Beers, Raggio and Horsford.

Roll call on Assembly Bill No. 561:

YEAS—20.

NAYS—Beers.

Assembly Bill No. 561 having received a constitutional majority,  
Madam President declared it passed.

Bill ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 153.

The following Assembly amendment was read:

Amendment No. 885.

Amend sec. 3, page 4, by deleting lines 30 and 31 and inserting: "*manager, performs or offers to perform any act associated with the foreclosure of a lien*".

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 153.

Remarks by Senator Townsend.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 431.

The following Assembly amendment was read:

Amendment No. 1067.

Amend section 1, page 2, line 2, by deleting "7," and inserting "7.5,".

Amend sec. 2, page 2, line 4, by deleting "7," and inserting "7.5,".

Amend sec. 5, page 2, by deleting line 18 and inserting: "*such a financial institution must submit:*

(a) *Proof satisfactory to the*".

Amend sec. 5, page 2, line 20, by deleting "(a)" and inserting "(1)".

Amend sec. 5, page 2, line 24, by deleting "(b)" and inserting "(2)".

Amend sec. 5, page 2, line 26, by deleting "(c)" and inserting "(3)".

Amend sec. 5, page 2, line 27, by deleting "(d)" and inserting "(4)".

Amend sec. 5, page 2, line 30, by deleting "(e)" and inserting "(5)".

Amend sec. 5, page 2, by deleting lines 33 through 36 and inserting:

*"(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report."*

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

*"Sec. 7.5. 1. For the purpose of discovering violations of this title or of securing information lawfully required under this title, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:*

*(a) Any licensee;*

*(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this title; and*

*(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this title, whether or not the person claims to be within the authority or beyond the scope of this title.*

*2. For the purpose of examination, the Commissioner or his authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.*

*3. The Commissioner may require the attendance of any person and examine him under oath regarding:*

*(a) Any transaction or business regulated pursuant to the provisions of this title; or*

*(b) The subject matter of any audit, examination, investigation or hearing."*

Amend sec. 28.5, page 18, line 8, by deleting: "29 and 29.5" and inserting: "29, 29.5 and 29.7".

Amend the bill as a whole by adding a new section designated sec. 29.7, following sec. 29.5, to read as follows:

*"Sec. 29.7. In addition to any other requirements set forth by specific statute, each person who applies for a license to engage in the business of selling or issuing checks or of receiving for transmission or transmitting money or credits must submit proof satisfactory to the Commissioner that the person:*

*1. Is at least 21 years of age; and*

*2. Is a citizen of the United States or lawfully entitled to remain and work in the United States."*

Amend sec. 35, page 22, line 8, by deleting "40," and inserting "40.5,".

Amend sec. 36, page 22, by deleting line 11 and inserting: *"in this chapter, each applicant must submit:*

*(a) Proof satisfactory to"*.

Amend sec. 36, page 22, line 13, by deleting "(a)" and inserting "(1)".

Amend sec. 36, page 22, line 17, by deleting "(b)" and inserting "(2)".

Amend sec. 36, page 22, line 19, by deleting "(c)" and inserting "(3)".

Amend sec. 36, page 22, line 20, by deleting "(d)" and inserting "(4)".

Amend sec. 36, page 22, line 23, by deleting "(e)" and inserting "(5)".

Amend sec. 36, page 22, line 26, by deleting "(f)" and inserting "(6)".

Amend sec. 36, page 22, line 27, by deleting "(I)" and inserting "(1)".

Amend sec. 36, page 22, line 28, by deleting "(2)" and inserting "(II)".

Amend sec. 36, page 22, between lines 29 and 30, by inserting:

*"(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report."*

Amend sec. 37.6, page 24, line 32, by deleting "a" and inserting "an administrative".

Amend sec. 40, page 25, line 41, by deleting "\$10,000" and inserting "\$50,000".

Amend the bill as a whole by adding a new section designated sec. 40.5, following sec. 40, to read as follows:

*"Sec. 40.5. If a person operates a deferred deposit service or check-cashing service without obtaining a license pursuant to NRS 604.130:*

*1. Any contracts entered into by that person for a deferred deposit or the cashing of a check are voidable by the other party to the contract; and*

*2. In addition to any other remedy provided by law, a person who enters into a contract for a deferred deposit or the cashing of a check with the person who is operating a deferred deposit service or a check-cashing service without obtaining a license pursuant to NRS 604.130 may recover in a civil action an amount not to exceed \$1,000 for each such contract."*

Amend the bill as a whole by deleting sec. 56 and adding:

*"Sec. 56. (Deleted by amendment.)"*

Amend sec. 60, page 36, line 12, after "3." by inserting: *"In addition to any other requirements, each applicant or member, partner, director, officer or manager of an applicant shall submit to the Commissioner a complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

*4."*

Amend sec. 60, page 36, line 14, by deleting "4." and inserting "[4.] 5."

Amend sec. 60, page 36, line 21 by deleting "5." and inserting "6."

Amend sec. 68, page 42, line 7, by deleting: "69, 70 and 71" and inserting: "69 to 71.5, inclusive,".

Amend sec. 69, page 42, by deleting line 9 and inserting: *"in this chapter, each applicant must submit:*

*(a) Proof satisfactory to".*

Amend sec. 69, page 42, line 11, by deleting "(a)" and inserting "(1)".

Amend sec. 69, page 42, line 15, by deleting "(b)" and inserting "(2)".

Amend sec. 69, page 42, line 17, by deleting "(c)" and inserting "(3)".

Amend sec. 69, page 42, line 18, by deleting "(d)" and inserting "(4)".

Amend sec. 69, page 42, line 21, by deleting "(e)" and inserting "(5)".

Amend sec. 69, page 42, by deleting lines 24 through 27 and inserting:

*"(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report."*

Amend the bill as a whole by adding a new section designated sec. 71.5, following sec. 71, to read as follows:

*"Sec. 71.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:*

*(a) Any association;*

*(b) Any other person engaged in an activity regulated pursuant to the provisions of this chapter; and*

*(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.*

*2. For the purpose of examination, the Commissioner or his authorized representatives must have and be given free access to the offices and places of business, files, safes and vaults of such persons.*

*3. The Commissioner may require the attendance of any person and examine him under oath regarding:*

*(a) Any transaction or business regulated pursuant to the provisions of this chapter; or*

*(b) The subject matter of any audit, examination, investigation or hearing."*

Amend sec. 82, page 51, by deleting line 29 and inserting: *"in this chapter, each applicant must submit:*

*(a) Proof satisfactory to".*

Amend sec. 82, page 51, line 31, by deleting "(a)" and inserting "(1)".

Amend sec. 82, page 51, line 35, by deleting "(b)" and inserting "(2)".

Amend sec. 82, page 51, line 37, by deleting "(c)" and inserting "(3)".

Amend sec. 82, page 51, line 38, by deleting "(d)" and inserting "(4)".

Amend sec. 82, page 51, line 41, by deleting "(e)" and inserting "(5)".

Amend sec. 82, page 51, line 44, by deleting "(f)" and inserting "(6)".

Amend sec. 82, page 51, line 45, by deleting "(1)" and inserting "(1)".

Amend sec. 82, page 52, line 1, by deleting "(2)" and inserting "(II)".

Amend sec. 82, page 52, between lines 2 and 3, by inserting:

*"(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report."*

Amend sec. 90, page 55, line 5, by deleting "94," and inserting "94.5,".

Amend sec. 91, page 55, by deleting line 8 and inserting: *"in this chapter, each applicant must submit:*

*(a) Proof satisfactory to"*

Amend sec. 91, page 55, line 10, by deleting "(a)" and inserting "(1)".

Amend sec. 91, page 55, line 14, by deleting "(b)" and inserting "(2)".

Amend sec. 91, page 55, line 16, by deleting "(c)" and inserting "(3)".

Amend sec. 91, page 55, line 17, by deleting "(d)" and inserting "(4)".

Amend sec. 91, page 55, line 20, by deleting "(e)" and inserting "(5)".

Amend sec. 91, page 55, line 23, by deleting "(f)" and inserting "(6)".

Amend sec. 91, page 55, line 24, by deleting "(I)" and inserting "(I)".

Amend sec. 91, page 55, line 25, by deleting "(2)" and inserting "(II)".

Amend sec. 91, page 55, between lines 26 and 27, by inserting:

*"(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report."*

Amend the bill as a whole by adding a new section designated sec. 94.5, following sec. 94, to read as follows:

*"Sec. 94.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:*

*(a) A licensee;*

*(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this chapter; and*

*(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.*

*2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.*

*3. The Commissioner may require the attendance of any person and examine him under oath regarding:*

*(a) Any transaction or business regulated pursuant to the provisions of this chapter; or*

*(b) The subject matter of any audit, examination, investigation or hearing."*

Amend sec. 99, page 58, line 24, by deleting "103," and inserting "103.5,".

Amend sec. 100, page 58, by deleting line 27 and inserting: *"in this chapter, each applicant must submit:*

*(a) Proof satisfactory to"*.

Amend sec. 100, page 58, line 29, by deleting "(a)" and inserting "(1)".

Amend sec. 100, page 58, line 33, by deleting "(b)" and inserting "(2)".

Amend sec. 100, page 58, line 35, by deleting "(c)" and inserting "(3)".

Amend sec. 100, page 58, line 36, by deleting "(d)" and inserting "(4)".

Amend sec. 100, page 58, line 39, by deleting "(e)" and inserting "(5)".

Amend sec. 100, page 58, by deleting lines 42 through 45 and inserting:

*"(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report."*

Amend the bill as a whole by adding a new section designated sec. 103.5, following sec. 103, to read as follows:

*"Sec. 103.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:*

*(a) A licensee;*

*(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this chapter; and*

*(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.*

*2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.*

*3. The Commissioner may require the attendance of any person and examine him under oath regarding:*

*(a) Any transaction or business regulated pursuant to the provisions of this chapter; or*

*(b) The subject matter of any audit, examination, investigation or hearing."*

Amend sec. 107, page 61, line 18, by deleting "111," and inserting "111.5,".



Amend sec. 108, page 61, by deleting line 21 and inserting: *"in this chapter, each applicant must submit:*

*(a) Proof satisfactory to".*

Amend sec. 108, page 61, line 23, by deleting "(a)" and inserting "(1)".

Amend sec. 108, page 61, line 27, by deleting "(b)" and inserting "(2)".

Amend sec. 108, page 61, line 29, by deleting "(c)" and inserting "(3)".

Amend sec. 108, page 61, line 30, by deleting "(d)" and inserting "(4)".

Amend sec. 108, page 61, line 33, by deleting "(e)" and inserting "(5)".

Amend sec. 108, page 61, by deleting lines 36 through 39 and inserting:

*"(b) A complete set of his fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report."*

Amend the bill as a whole by adding a new section designated sec. 111.5, following sec. 111, to read as follows:

*"Sec. 111.5. 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:*

*(a) Any credit union;*

*(b) Any other person engaged in an activity for which a license is required pursuant to the provisions of this chapter; and*

*(c) Any person whom the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.*

*2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.*

*3. The Commissioner may require the attendance of any person and examine him under oath regarding:*

*(a) Any transaction or business regulated pursuant to the provisions of this chapter; or*

*(b) The subject matter of any audit, examination, investigation or hearing."*

Amend sec. 115, page 64, line 12, before "If" by inserting "1."

Amend sec. 115, page 64, between lines 17 and 18, by inserting:

*"2. The amendatory provisions of section 62 of this act shall apply:*

*(a) On October 1, 2008, to any person who has been issued a licensed pursuant to NRS 649.095 on or before September 30, 2005.*

*(b) On October 1, 2005, to any person to whom a license is issued pursuant to NRS 649.095 on or after October 1, 2005."*

Amend the title of the bill to read as follows:

"AN ACT relating to financial institutions; establishing requirements relating to applications for certain licenses; establishing additional grounds for refusing to issue or for suspending or revoking certain licenses; authorizing the Commissioner of Financial Institutions to conduct certain activities to investigate violations of certain regulated activities; revising the provisions governing the use of business names by financial institutions; increasing the maximum amount of various fees and fines imposed on financial institutions; authorizing the Commissioner of Financial Institutions to establish the amount of certain fees by regulation; revising the provisions governing the licensure of agents involved in the transmission of money and financial instruments; revising the provisions governing liability for nonpayment of certain financial obligations; revising the provisions governing certain interest rates; revising the provisions governing check-cashing services and deferred deposit services; authorizing a person to recover in a civil action compensation against a person who operates a deferred deposit service or check-cashing service without a license; revising the provisions governing collection agencies; increasing the amount of certain required surety bonds; revising the provisions governing examination of credit unions; providing for certain administrative fines and penalties; and providing other matters properly relating thereto."

Senator Townsend moved that the Senate concur in the Assembly amendment to Senate Bill No. 431.

Remarks by Senator Townsend.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 434.

The following Assembly amendment was read:

Amendment No. 1086.

Amend sec. 7, page 7, line 2, by deleting "project." and inserting: "project ~~[ ]~~ or if the contractor builds a residential pool or spa as part of the original building plan pursuant to which the contractor builds a single-family residence on the premises."

Amend sec. 13, page 12, by deleting line 11 and inserting:

"7. If a".

Amend sec. 13, page 12, by deleting lines 15 through 17 and inserting:

"(a) ~~[Becomes licensed pursuant to this chapter on or after July 1, 2001;~~

~~(b)]~~ Is determined by the Board to have violated one or more of".

Amend sec. 13, page 12, line 19, by deleting "(c)" and inserting "~~[(c)]~~ (b)".

Amend sec. 13, page 12, line 25, by deleting "(d)" and inserting "~~[(d)]~~ (c)".

Amend sec. 13, page 12, line 27, by deleting "contractor shall" and inserting: "Board may require the contractor ~~[shall]~~ to".

Amend sec. 13, page 12, by deleting lines 28 and 29 and inserting:

"8. ~~[A]~~ *If the Board requires a contractor described in subsection 7 to comply with the provisions of this subsection, the contractor shall, before commencing work*".

Amend sec. 13, page 12, line 38, by deleting "A" and inserting: "~~[A]~~ *Except as otherwise provided in this paragraph, a*".

Amend sec. 13, page 13, by deleting lines 4 through 24 and inserting: "bond. *In lieu of a performance or payment bond, the contractor may obtain an equivalent form of security approved by the Board.*

9. As used in this section, "substantiated claim for wages" has".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. NRS 624.275 is hereby amended to read as follows:

624.275 1. With respect to a surety bond that a licensed contractor maintains in accordance with NRS 624.270 ~~[or 624.276]~~:

(a) The surety shall give prompt notice to the Board of any claims paid against the bond of the licensed contractor.

(b) The surety may cancel the bond upon giving 60 days' notice to the Board and to the contractor by certified mail.

2. Upon receipt by the Board of the notice described in paragraph (a) of subsection 1, the Board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he furnishes an equivalent bond or establishes an equivalent cash deposit before a date set by the Board.

3. Upon receipt by the Board of the notice described in paragraph (b) of subsection 1, the Board shall immediately notify the contractor who is the principal on the bond that his license will be suspended or revoked unless he furnishes an equivalent bond or establishes an equivalent cash deposit before the effective date of the cancellation.

4. The notice mailed to the contractor by the Board pursuant to subsection 2 or 3 must be addressed to his latest address of record in the office of the Board.

5. If the contractor does not comply with the requirements of the notice from the Board, his license must be suspended or revoked on the date:

(a) Set by the Board, if the notice was provided to the contractor pursuant to subsection 2; or

(b) The bond is cancelled, if the notice was provided to the contractor pursuant to subsection 3."

Amend sec. 14, page 13, line 31, by deleting "may," and inserting "~~[may]~~ shall,".

Amend sec. 14, page 13, by deleting lines 32 through 34 and inserting: "or renewal of a license, require the applicant to ~~[file]~~ :

(a) *File with the Board a bond solely for the protection of consumers in an amount fixed by the Board ~~[or]~~ ; or*

(b) *In lieu of filing a bond, establish with the Board a cash deposit as provided in this section.*".

Amend sec. 14, page 13, line 39, by deleting "2" and inserting "[2] 5".

Amend sec. 14, page 13, by deleting lines 40 through 42 and inserting:

"3. *After a contractor who performs work concerning a residential pool or spa has acted in the capacity of a licensed contractor in the State of Nevada for not less than 5 consecutive years, the Board may relieve the contractor of the requirements of subsection 1 if evidence supporting such relief is presented to the Board. The Board may at any time thereafter require the contractor to comply with subsection 1 if evidence is presented to the Board supporting this requirement.*

4. *If a licensee is relieved of the requirement of establishing a cash deposit pursuant to this section, the deposit may be withdrawn 2 years after such relief is granted, if there is no outstanding claim against it.*

5. *Failure of an applicant or licensee to file or maintain in full force the required bond or to establish the required cash deposit constitutes cause for the Board to deny, revoke, suspend or refuse to renew a license.*

6. *The amount of each bond or cash deposit required by this section must be fixed by the Board with reference to the contractor's financial and professional responsibility and the magnitude of his operations, but must be not less than \$10,000 or more than \$400,000. The bond must be continuous in form and must be conditioned that the total aggregate liability of the surety for all claims is limited to the face amount of the bond irrespective of the number of years the bond is in force.*

7. *A bond required pursuant to subsection 1 must be provided by a person whose long-term debt obligations are rated "A" or better by a nationally recognized rating agency. The Board may increase or reduce the amount of any bond or cash deposit if evidence supporting such a change in the amount is presented to the Board at the time application is made for renewal of a license or at any hearing conducted pursuant to NRS 624.2545 or 624.291.*

8. *Unless released earlier pursuant to subsection 3, any cash deposit may be withdrawn 2 years after termination of the license in connection with which it was established or 2 years after completion of all work authorized by the Board after termination of the license, whichever occurs later, if there is no outstanding claim against it.*

9. *Each bond or deposit required pursuant to this section must be in favor of the State of Nevada solely for the benefit of any consumer who entered into a contract with the contractor to perform work concerning a residential pool or spa and:*

(a) *Is damaged by failure of the contractor to perform the contract or to remove liens filed against the property; or*

(b) *Is injured by any unlawful act or omission of the contractor in the performance of a contract.*

10. *Any consumer claiming against the bond or deposit may bring an action in a court of competent jurisdiction on the bond or against the Board*

*on the deposit for the amount of damage he has suffered to the extent covered by the bond or deposit.*

*11. If an action is commenced on the bond, the surety that executed the bond shall notify the Board of the action within 30 days after the date that:*

- (a) The surety is served with a complaint and summons; or*
- (b) The action is commenced,*

*➔ whichever occurs first.*

*12. A claim or action pursuant to this section must proceed and be administered in the manner provided pursuant to NRS 624.273 for a claim or action.*

*13. The Board shall adopt regulations necessary to carry out the provisions of this section, including, without limitation, regulations concerning:*

- (a) The determination of the amount of a bond pursuant to this section;*
- (b) The form of bond required pursuant to this section;*
- (c) The time within which an applicant or licensee must comply with the provisions of this section; and*
- (d) Procedures to contest the amount of a bond required pursuant to this section.*

*14. The Board shall immediately suspend the license of a contractor who fails to post the bond or provide the deposit required pursuant to this section. Failure by a licensee for 6 months to post the bond or provide the deposit required pursuant to this section constitutes grounds for disciplinary action.*

*15. As used in this section:*

- (a) "Consumer" means a natural person who:*
  - (1) Owns a single-family residence; and*
  - (2) Enters into a contract with a licensee to perform work concerning a residential pool or spa.*
- (b) "Work concerning a residential pool or spa" has the meaning ascribed to it in NRS 597.713."*

Amend the bill as a whole by adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. This act becomes effective:

1. 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

2. On July 1, 2005, for all other purposes."

Amend the title of the bill by deleting the tenth through thirteenth lines and inserting: "spas; requiring contractors who perform work on residential pools and spas to provide a bond or cash deposit for the protection of consumers under certain circumstances; providing procedures for administering such bonds and cash deposits; revising provisions governing performance, payment and consumer protection bonds; providing penalties; and".

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 434.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 453.

The following Assembly amendment was read:

Amendment No. 881.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 36 as sections 1 through 35.

Amend sec. 11, page 10, lines 7 and 12, by deleting "8" and inserting "7".

Amend sec. 12, page 10, lines 25 and 30, by deleting "9" and inserting "8".

Amend sec. 13, page 10, line 36, by deleting "9" and inserting "8".

Amend sec. 14, page 11, lines 20, 24, 26 and 29, by deleting "10" and inserting "9".

Amend the bill as a whole by deleting sections 37 through 40, renumbering sections 41 and 42 as sections 36 and 37.

Amend sec. 41, pages 41 and 42, by deleting lines 41 through 45 on page 41 and lines 1 through 3 on page 42.

Amend the bill as a whole by renumbering sec. 43 as sec. 47 and adding new sections designated sections 38 through 46, following sec. 42, to read as follows:

"Sec. 38. Chapter 240 of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.

Sec. 39. 1. *A notary public who is appointed pursuant to this chapter shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:*

(a) *Is known to the notary public; or*

(b) *If unknown to the notary public, provides documentary evidence of identification to the notary public.*

2. *A person who:*

(a) *Violates the provisions of subsection 1; or*

(b) *Aids and abets a notary public to commit a violation of subsection 1, is guilty of a gross misdemeanor.*

Sec. 40. 1. *Except as otherwise provided in subsection 2, the Secretary of State shall, upon request and payment of a fee of \$20, issue an authentication to verify that the signature of the notarial officer on a document is genuine and that the notarial officer holds the office indicated on the document. If the document:*

(a) *Is intended for use in a foreign country that is a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue an apostille in the form prescribed by the Hague Convention of October 5, 1961.*

(b) *Is intended for use in the United States or in a foreign country that is not a participant in the Hague Convention of October 5, 1961, the Secretary of State must issue a certification.*

2. *The Secretary of State shall not issue an authentication pursuant to subsection 1 if:*

*(a) The document has not been notarized in accordance with the provisions of this chapter; or*

*(b) The Secretary of State has reasonable cause to believe that the document may be used to accomplish any fraudulent, criminal or unlawful purpose.*

Sec. 41. NRS 240.001 is hereby amended to read as follows:

240.001 As used in NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act*, unless the context otherwise requires, the words and terms defined in NRS 240.002 to 240.005, inclusive, have the meanings ascribed to them in those sections.

Sec. 42. NRS 240.007 is hereby amended to read as follows:

240.007 1. Except as otherwise provided in subsection 2, information and documents filed with or obtained by the Secretary of State pursuant to NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4, information and documents obtained by or filed with the Secretary of State in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* are not public information and are confidential.

3. The Secretary of State may submit any information or evidence obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* to the appropriate district attorney for the purpose of prosecuting a criminal action.

4. The Secretary of State may disclose any information or documents obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, *and sections 39 and 40 of this act* to an agency of this State or a political subdivision of this State.

Sec. 43. NRS 240.010 is hereby amended to read as follows:

240.010 1. The Secretary of State may appoint notaries public in this State.

2. The Secretary of State shall not appoint as a notary public a person:

(a) Who submits an application containing a substantial and material misstatement or omission of fact.

(b) Whose previous appointment as a notary public in this State has been revoked.

(c) Who has been convicted of a crime involving moral turpitude, if the Secretary of State is aware of such a conviction before he makes the appointment.

(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.

3. A notary public may cancel his appointment by submitting a written notice to the Secretary of State.

4. It is unlawful for a person to:

(a) Represent himself as a notary public appointed pursuant to this section if he has not received a certificate of appointment from the Secretary of State pursuant to this chapter.

(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.

5. *The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 4.*

Sec. 44. NRS 240.033 is hereby amended to read as follows:

240.033 1. The bond required to be filed pursuant to NRS 240.030 must be executed by the person applying to become a notary public as principal and by a surety company qualified and authorized to do business in this State. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the notary public which violates a provision of NRS 240.001 to 240.169, inclusive ~~[ ]~~, *and sections 39 and 40 of this act*. The surety company shall pay a final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice of final judgment. The bond may be continuous but, regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.

2. If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion.

3. The surety bond must cover the period of the appointment of the notary public, except when a surety is released.

4. A surety on a bond filed pursuant to NRS 240.030 may be released after the surety gives 30 days' written notice to the Secretary of State and notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the notary public which is alleged to have occurred while the bond was in effect.

5. The appointment of a notary public is suspended by operation of law when the notary public is no longer covered by a surety bond as required by this section and NRS 240.030 or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the bond will be released or pursuant to subsection 2 that the penal sum of the bond is exhausted, the Secretary of State shall immediately notify the notary public in writing that his appointment will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

6. The Secretary of State may reinstate the appointment of a notary public whose appointment has been suspended pursuant to subsection 5, if the notary public, before his current term of appointment expires:

(a) Submits to the Secretary of State:



(1) An application for an amended certificate of appointment as a notary public; and

(2) A certificate issued by the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, the county in this State in which the applicant maintains a place of business or is employed, which indicates that the applicant filed a new surety bond with the clerk.

(b) Pays to the Secretary of State a fee of \$10.

Sec. 45. NRS 240.161 is hereby amended to read as follows:

240.161 1. NRS 240.161 to 240.169, inclusive, *and section 40 of this act* may be cited as the Uniform Law on Notarial Acts.

2. These sections must be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of these sections among states enacting them.

Sec. 46. NRS 240.165 is hereby amended to read as follows:

240.165 1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

(a) A notary public;  
(b) A judge, clerk or deputy clerk of a court of record; or  
(c) A person authorized by the law of that jurisdiction to perform notarial acts.

2. ~~{An "apostille" in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office. The Secretary of State shall, upon request and payment of a fee of \$20, issue an apostille to verify a signature of a notarial officer on a document that is kept in the records of the Secretary of State unless the document had not been notarized in accordance with the provisions of this chapter.~~

~~3-}~~ 3. A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

~~{4-}~~ 3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

~~{5-}~~ 4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

~~{6-}~~ 5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a

source for that information, the authority of an officer with that title to perform notarial acts is conclusively established."

Amend the title to read as follows:

"AN ACT relating to entities regulated by the Secretary of State; revising various provisions concerning the timing, form and contents of certain filings by various business entities; clarifying that certain corporations and associations which are homeowners' associations must comply with certain requirements; prohibiting a notary public from willfully notarizing the signature of a person in certain circumstances; making various other changes concerning notaries public; providing that a person who knowingly files a forged or false record is subject to civil liability under certain circumstances; establishing certain fees for services provided to business entities; making various other changes concerning business entities; providing a penalty; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Makes various changes concerning business entities and notaries public. (BDR 7-576)".

Senator Amodei moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 453.

Remarks by Senator Amodei.

Motion carried.

Bill ordered transmitted to the Assembly.

#### RECEDE FROM SENATE AMENDMENTS

Senator Cegavske moved that the Senate do not recede from its action on Assembly Bill No. 314, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Cegavske.

Motion carried.

Bill ordered transmitted to the Assembly.

#### APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Beers, Titus and Hardy as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 314.

Senator Raggio moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:51 p.m.

#### SENATE IN SESSION

At 12:54 p.m.

President Hunt presiding.

Quorum present.

## SECOND READING AND AMENDMENT

Assembly Bill No. 338.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 1120.

Amend sec. 2, page 2, line 5, by deleting: "*3 and 4*" and inserting: "*2.3 to 4, inclusive,*".

Amend the bill as a whole by adding new sections designated sections 2.3 through 2.7, following sec. 2, to read as follows:

"Sec. 2.3. *"Administrator" means a person authorized pursuant to NRS 683A.0805 to 683A.0893, inclusive, to conduct business in this State as an administrator.*

Sec. 2.5. *"Affiliate of an insurer" means a person who directly, or indirectly through one or more intermediaries, controls, is controlled by or is under common control with an insurer.*

Sec. 2.7. *"Insurer" means any insurer, fraternal benefit society, nonprofit corporation for hospital, medical and dental services, organization for dental care, health maintenance organization or prepaid limited health service organization authorized pursuant to this title to conduct business in this State."*

Amend sec. 3, page 2, by deleting lines 7 through 13 and inserting:

"Sec. 3. *"Medical discount plan" means a business arrangement or program evidenced by a membership agreement, contract, card, certificate, device or mechanism in which a person, in exchange for fees, dues, charges or any other form of consideration, offers to provide or provides health care or medical services at a discount from providers of health care who are participating in the business arrangement or program or whom the person advertises as or claims to be participating in the business arrangement or program."*

Amend sec. 5, page 2, lines 17 and 18, by deleting "*discount health*" and inserting "*medical discount*".

Amend sec. 6, page 2, by deleting lines 19 through 25 and inserting:

"Sec. 6. 1. *Except as otherwise provided in this section, it is unlawful for any person to offer, market, sell or engage in business as a medical discount plan in this State without first registering the medical discount plan pursuant to the provisions of this chapter.*

2. *An insurer is not required to register any medical discount plan pursuant to the provisions of this chapter unless the insurer offers, markets or sells the medical discount plan in this State for separate consideration.*

3. *If an affiliate of an insurer offers, markets, sells or engages in business as a medical discount plan in this State, the affiliate is required to register the medical discount plan pursuant to the provisions of this chapter.*

4. *The provisions of this chapter do not apply to any medical discount plan that offers or provides discounts only on prescriptions."*

Amend sec. 7, page 2, line 27, by deleting "discount health" and inserting "medical discount".

Amend sec. 7, page 2, line 30, by deleting "subsection 2," and inserting "this section,".

Amend sec. 7, page 2, line 37, by deleting "discount health" and inserting "medical discount".

Amend sec. 7, page 3, line 1, by deleting "discount health" and inserting "medical discount".

Amend sec. 7, page 3, line 8, before "medical" by inserting: "health care or".

Amend sec. 7, page 3, by deleting lines 16 through 28 and inserting:

"2. Each person who registers a medical discount plan must renew the registration annually before the registration expires. Except as otherwise provided in this section, an application to renew the registration must include:

(a) An annual renewal fee of \$500; and

(b) Any information set forth in subsection 1 that the Commissioner requires to be included in the application.

3. An administrator or insurer that registers a medical discount plan is not required to pay the fees for registering or renewing the registration of the medical discount plan pursuant to this section.

4. The Commissioner shall, by regulation, designate the provisions of subsection 1 that shall be deemed satisfied by an administrator, insurer or affiliate of an insurer that has complied with substantially similar requirements pursuant to other provisions of this title."

Amend sec. 8, page 3, line 30, by deleting "discount health" and inserting "medical discount".

Amend sec. 8, page 3, line 31, after "'insurance'" by inserting "or enrollment".

Amend sec. 8, page 3, lines 32 and 35, by deleting "discount health" and inserting "medical discount".

Amend sec. 8, page 3, line 37, by deleting "'enrollment,'".

Amend sec. 8, page 3, line 39, by deleting "discount health" and inserting "medical discount".

Amend sec. 8, pages 3 and 4, by deleting lines 40 through 45 on page 3 and lines 1 through 3 on page 4, and inserting:

"3. Pay a provider of health care any fee for providing any health care or medical services; or

4. Collect or accept money from a member of the medical discount plan for payment to a provider of health care for specific health care or medical services that the provider has provided or will provide to the member unless the registration for the medical discount plan is held by an administrator or insurer."

Amend sec. 9, page 4, by deleting lines 5 through 18 and inserting: "writing to any prospective member of a medical discount plan and must be

*in clear language and prominently displayed in any advertisements, marketing materials and brochures relating to a medical discount plan:*

- (a) That the medical discount plan is not a policy of health insurance;*
- (b) That the medical discount plan provides discounts from providers of health care who provide health care or medical services to members;*
- (c) That the medical discount plan does not make payments directly to the providers of health care;*
- (d) That the member will be required to pay for all health care or medical services but will receive a discount from those providers of health care who have contracted with the medical discount plan;*
- (e) The corporate name of the person offering the medical discount plan and the location and address of each office for the medical discount plan; and"*

Amend sec. 9, page 4, line 24, after "Ten" by inserting "business".

Amend sec. 9, page 4, lines 25 and 27, by deleting "discount health" and inserting "medical discount".

Amend sec. 10, page 4, by deleting lines 29 and 30 and inserting: "printed in type that is not smaller than 12-point type."

Amend sec. 11, page 4, line 31, by deleting "discount health" and inserting "medical discount".

Amend sec. 11, page 4, by deleting lines 34 and 35 and inserting: "of a registration for a medical discount plan unless the person registering or renewing the registration certifies that the medical discount plan has a net worth of at least \$100,000."

Amend sec. 12, page 4, line 40, by deleting "discount health" and inserting "medical discount".

Amend sec. 12, page 4, by deleting line 41 and inserting: "with a medical discount plan unless the medical discount plan is".

Amend sec. 12, page 5, by deleting line 4 and inserting: "all participating providers of health care who have contracted with the medical discount plan and who are located in the applicant's or".

Amend sec. 12, page 5, line 6, before "services" by inserting: "health care or medical".

Amend sec. 12, page 5, by deleting line 7 and inserting: "be made available, upon the request of the applicant, at the time the applicant purchases a membership".

Amend sec. 12, page 5, by deleting lines 12 through 21 and inserting:

"5. Offers discounted products or services to the applicant or member that are not authorized by a contract with each provider of health care listed in conjunction with the medical discount plan.

6. Fails to allow the applicant or member to cancel the membership in the medical discount plan.

7. If appropriate, fails to refund any required portion of membership fees paid to the medical discount plan by the applicant or member within 30 days

*after the applicant or member provides timely notification of the cancellation of the membership to the person administering the medical discount plan."*

Amend sec. 14, page 5, line 39, by deleting "discount health" and inserting "medical discount".

Amend sec. 14, page 5, by deleting lines 41 through 44 and inserting: "*any accounts, books and records concerning the medical discount plan which are reasonably necessary to enable the Commissioner to determine whether the medical discount plan is in compliance with the provisions of*".

Amend sec. 15, page 6, lines 1 and 4, by deleting "discount health" and inserting "medical discount".

Amend sec. 15, page 6, by deleting lines 6 through 10 and inserting:

*"(b) The name and address of each member of the medical discount plan;*

*(c) A copy of each contract that the medical discount plan enters into with providers of health care for purposes of providing members with health care or medical services at a discount; and"*

Amend sec. 15, page 6, lines 14 and 15, by deleting "discount health" and inserting "medical discount".

Amend sec. 49, page 12, line 32, by deleting "All" and inserting: "*Except as otherwise provided in sections 50 and 51 of this act, all*".

Amend the bill as a whole by deleting sections 50 and 51 and adding new sections designated sections 50 through 51.5, following sec. 49, to read as follows:

"Sec. 50. 1. *The Commissioner may adopt by regulation forms for use in the issuance of credit personal property insurance, including applications, policies, forms for claims and any other forms required for the sale, issuance and administration of credit personal property insurance. An insurer may elect to use those forms in lieu of any other forms.*

2. *If an officer of the insurer submits, in the manner prescribed by the Commissioner, a written certification to the Commissioner that the forms used by the insurer are identical to those adopted by the Commissioner, the insurer is not required to file those forms with the Commissioner for approval pursuant to section 49 of this act.*

Sec. 51. 1. *The Commissioner shall, by regulation, establish reasonable rates as described in this chapter and in accordance with the standards established in NRS 686B.050 and 686B.060. The rates must be reasonable in relation to the benefits provided and must not be excessive, inadequate or unfairly discriminatory.*

2. *The Commissioner may, by regulation, establish rates that an insurer may use without filing pursuant to section 49 of this act. In establishing such rates, the Commissioner shall consider and apply the following factors:*

*(a) Actual and expected loss experience;*

*(b) General and administrative expenses;*

*(c) Loss settlement and adjustment expenses;*

*(d) Reasonable creditor compensation;*

*(e) The manner in which premiums are charged;*

(f) *Other acquisition costs;*  
(g) *Reserves;*  
(h) *Taxes;*  
(i) *Regulatory license fees and fund assessments;*  
(j) *Reasonable insurer profit; and*  
(k) *Other relevant data consistent with generally accepted actuarial standards.*

Sec. 51.5. *Except as otherwise provided in section 51 of this act:*

1. *A rate that has been filed and approved pursuant to section 49 of this act is effective for a period not to exceed 3 years after the date of approval. The insurer shall file a rate for approval before the expiration of the 3-year period. The insurer may file a rate for approval at any time before the expiration of the 3-year period.*

2. *If an insurer revises its schedule of premium rates, the insurer shall file the revised schedule with the Commissioner pursuant to section 49 of this act. An insurer shall not issue credit personal property insurance for which the premium rates exceed the rates determined by the schedule approved by the Commissioner."*

Amend the bill as a whole by deleting sec. 55 and adding:

"Sec. 55. (Deleted by amendment.)".

Amend sec. 56, page 14, by deleting lines 7 through 11 and inserting:

"Sec. 56. 1. *Each individual policy or certificate of insurance must provide for a refund of unearned premiums if the credit personal property insurance is cancelled before the scheduled date of termination of the insurance.*

2. *Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of cancellation of the insurance.*

3. *The Commissioner shall, by regulation, establish the minimum amount of unearned premiums that must remain outstanding at the time of cancellation in order for a person to be entitled to a refund. If the amount of unearned premiums that remains outstanding at the time of cancellation is less than the minimum amount established by regulation, the person is not entitled to a refund.*

4. *The formula that an insurer uses to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used."*

Amend sec. 60, pages 14 and 15, by deleting lines 41 through 44 on page 14 and lines 1 and 2 on page 15, and inserting:

"Sec. 60. *The Commissioner may adopt regulations to carry out the provisions of this chapter."*

Amend the bill as a whole by deleting sections 62 and 63 and adding new sections designated sections 62 and 63, following sec. 61, to read as follows:

"Sec. 62. Chapter 680B of NRS is hereby amended by adding thereto a new section to read as follows:

*Each risk retention group which is chartered in a state other than this State and which is registered in this State pursuant to NRS 695E.140 to 695E.200, inclusive, shall pay the tax imposed by NRS 680B.027 at a rate of 2 percent.*

Sec. 63. NRS 680B.010 is hereby amended to read as follows:

680B.010 The Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, fees and miscellaneous charges as follows:

1. Insurer's certificate of authority:
  - (a) Filing initial application..... \$2,450
  - (b) Issuance of certificate:
    - (1) For any one kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive..... 283
    - (2) For two or more kinds of insurance as so defined ..... 578
    - (3) For a reinsurer ..... 2,450
  - (c) Each annual continuation of a certificate..... 2,450
  - (d) Reinstatement pursuant to NRS 680A.180, 50 percent of the annual continuation fee otherwise required.
  - (e) Registration of additional title pursuant to NRS 680A.240..... 50
  - (f) Annual renewal of the registration of additional title pursuant to NRS 680A.240..... 25
2. Charter documents, other than those filed with an application for a certificate of authority. Filing amendments to articles of incorporation, charter, bylaws, power of attorney and other constituent documents of the insurer, each document..... \$10
3. Annual statement or report. For filing annual statement or report \$25
4. Service of process:
  - (a) Filing of power of attorney ..... \$5
  - (b) Acceptance of service of process..... 30
5. Licenses, appointments and renewals for producers of insurance:
  - (a) Application and license..... \$125
  - (b) Appointment fee for each insurer ..... 15
  - (c) Triennial renewal of each license ..... 125
  - (d) Temporary license ..... 10
  - (e) Modification of an existing license..... 50
6. Surplus lines brokers:
  - (a) Application and license ..... \$125
  - (b) Triennial renewal of each license ..... 125
7. Managing general agents' licenses, appointments and renewals:
  - (a) Application and license..... \$125
  - (b) Appointment fee for each insurer ..... 15
  - (c) Triennial renewal of each license ..... 125
8. Adjusters' licenses and renewals:
  - (a) Independent and public adjusters:
    - (1) Application and license ..... \$125



- (2) Triennial renewal of each license..... 125
- (b) Associate adjusters:
  - (1) Application and license ..... 125
  - (2) Triennial renewal of each license..... 125
- 9. Licenses and renewals for appraisers of physical damage to motor vehicles:
  - (a) Application and license ..... \$125
  - (b) Triennial renewal of each license ..... 125
- 10. Additional title and property insurers pursuant to NRS 680A.240:
  - (a) Original registration..... \$50
  - (b) Annual renewal..... 25
- 11. Insurance vending machines:
  - (a) Application and license, for each machine ..... \$125
  - (b) Triennial renewal of each license ..... 125
- 12. Permit for solicitation for securities:
  - (a) Application for permit..... \$100
  - (b) Extension of permit..... 50
- 13. Securities salesmen for domestic insurers:
  - (a) Application and license ..... \$25
  - (b) Annual renewal of license ..... 15
- 14. Rating organizations:
  - (a) Application and license ..... \$500
  - (b) Annual renewal..... 500
- 15. Certificates and renewals for administrators licensed pursuant to chapter 683A of NRS:
  - (a) Application and certificate of registration ..... \$125
  - (b) Triennial renewal..... 125
- 16. For copies of the insurance laws of Nevada, a fee which is not less than the cost of producing the copies.
- 17. Certified copies of certificates of authority and licenses issued pursuant to the ~~Insurance~~ Code ..... \$10
- 18. For copies and amendments of documents on file in the Division, a reasonable charge fixed by the Commissioner, including charges for duplicating or amending the forms and for certifying the copies and affixing the official seal.
- 19. Letter of clearance for a producer of insurance or other licensee if requested by someone other than the licensee..... \$10
- 20. Certificate of status as a producer of insurance or other licensee if requested by someone other than the licensee..... \$10
- 21. Licenses, appointments and renewals for bail agents:
  - (a) Application and license ..... \$125
  - (b) Appointment for each surety insurer ..... 15
  - (c) Triennial renewal of each license ..... 125
- 22. Licenses and renewals for bail enforcement agents:

(a) Application and license .....	\$125
(b) Triennial renewal of each license .....	125
23. Licenses, appointments and renewals for general agents for bail:	
(a) Application and license .....	\$125
(b) Initial appointment by each insurer .....	15
(c) Triennial renewal of each license .....	125
24. Licenses and renewals for bail solicitors:	
(a) Application and license .....	\$125
(b) Triennial renewal of each license .....	125
25. Licenses and renewals for title agents and escrow officers:	
(a) Application and license .....	\$125
(b) Triennial renewal of each license .....	125
(c) Appointment fee for each title insurer .....	15
(d) Change in name or location of business or in association	10
26. Certificate of authority and renewal for a seller of prepaid funeral contracts.....	\$125
27. Licenses and renewals for agents for prepaid funeral contracts:	
(a) Application and license .....	\$125
(b) Triennial renewal of each license .....	125
28. Licenses, appointments and renewals for agents for fraternal benefit societies:	
(a) Application and license .....	\$125
(b) Appointment for each insurer .....	15
(c) Triennial renewal of each license .....	125
29. Reinsurance intermediary broker or manager:	
(a) Application and license .....	\$125
(b) Triennial renewal of each license .....	125
30. Agents for and sellers of prepaid burial contracts:	
(a) Application and certificate or license .....	\$125
(b) Triennial renewal .....	125
31. Risk retention groups:	
(a) Initial registration <del>and review of an application</del> .....	<del>\$2,450</del> \$250
(b) Each annual continuation of a certificate of registration. <del>[2,450]</del>	250
32. Required filing of forms:	
(a) For rates and policies .....	\$25
(b) For riders and endorsements .....	10
33. Viatical settlements:	
(a) Provider of viatical settlements:	
(1) Application and license .....	\$1,000
(2) Annual renewal .....	1,000
(b) Broker of viatical settlements:	
(1) Application and license .....	500
(2) Annual renewal .....	500
34. Insurance consultants:	

(a) Application and license..... \$125

(b) Triennial renewal..... 125

35. Licensee's association with or appointment or sponsorship by an organization:

(a) Initial appointment, association or sponsorship, for each organization \$50

(b) Renewal of each association or sponsorship ..... 50

(c) Annual renewal of appointment..... 15

36. Purchasing groups:

(a) Initial registration and review of an application ..... \$100

(b) Each annual continuation of registration ..... 100".

Amend sec. 64, page 17, line 2, by deleting "~~Insurance~~".

Amend sec. 64, page 18, by deleting line 11 and inserting:

"(a) Initial registration \$250".

Amend sec. 64, page 18, line 13, by deleting "2,450" and inserting "250".

Amend the bill as a whole by deleting sec. 65 and adding a new section designated sec. 65, following sec. 64, to read as follows:

"Sec. 65. NRS 680B.027 is hereby amended to read as follows:

680B.027 1. Except as otherwise provided in NRS 680B.033, 680B.050 and 690C.110, *and section 62 of this act*, for the privilege of transacting business in this State, each insurer shall pay to the Department of Taxation a tax upon his net direct premiums and net direct considerations written at the rate of 3.5 percent.

2. The tax must be paid in the manner required by NRS 680B.030 and 680B.032.

3. The Commissioner or the Executive Director of the Department of Taxation may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax."

Amend the bill as a whole by deleting sections 80 and 81 and adding:

"Secs. 80 and 81. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 92 and adding:

"Sec. 92. (Deleted by amendment.)".

Amend sec. 101, page 44, by deleting line 9 and inserting:

"8. *Other kinds of insurance may be used if those kinds are not*".

Amend sec. 108, page 48, line 6, by deleting "All" and inserting: "*Except as otherwise provided in sections 109 and 110 of this act, all*".

Amend the bill as a whole by deleting sections 109 and 110 and adding new sections designated sections 109 through 110.7, following sec. 108, to read as follows:

"Sec. 109. 1. *The Commissioner may adopt by regulation forms for use in the issuance of consumer credit insurance, including applications, policies, forms for claims and any other forms required for the sale, issuance and administration of consumer credit insurance. An insurer may elect to use those forms in lieu of any other forms.*

2. If an officer of the insurer submits, in the manner prescribed by the Commissioner, a written certification to the Commissioner that the forms used by the insurer are identical to those adopted by the Commissioner, the insurer is not required to file those forms with the Commissioner for approval pursuant to section 108 of this act.

Sec. 110. 1. The Commissioner shall, by regulation, establish reasonable rates as described in this chapter and in accordance with the standards established in NRS 686B.050 and 686B.060. The rates must be reasonable in relation to the benefits provided and must not be excessive, inadequate or unfairly discriminatory.

2. The Commissioner may, by regulation, establish rates that an insurer may use without filing pursuant to section 108 of this act. In establishing such rates, the Commissioner shall consider and apply the following factors:

- (a) Actual and expected loss experience;
- (b) General and administrative expenses;
- (c) Loss settlement and adjustment expenses;
- (d) Reasonable creditor compensation;
- (e) The manner in which premiums are charged;
- (f) Other acquisition costs;
- (g) Reserves;
- (h) Taxes;
- (i) Regulatory license fees and fund assessments;
- (j) Reasonable insurer profit; and
- (k) Other relevant data consistent with generally accepted actuarial standards.

Sec. 110.3. Except as otherwise provided in section 110 of this act, if an insurer revises its schedule of premium rates, the insurer shall file the revised schedule with the Commissioner pursuant to section 108 of this act. An insurer shall not issue consumer credit insurance for which the premium rates differ from the rates determined by the schedule approved by the Commissioner.

Sec. 110.7. 1. Each individual policy or group certificate must provide for a refund of unearned premiums if the consumer credit insurance is cancelled before the scheduled date of termination of the insurance.

2. Except as otherwise provided in this section, any refund must be provided to the person to whom it is entitled as soon as practicable after the date of cancellation of the insurance.

3. The Commissioner shall, by regulation, establish the minimum amount of unearned premiums that must remain outstanding at the time of cancellation in order for a person to be entitled to a refund. If the amount of unearned premiums that remains outstanding at the time of cancellation is less than the minimum amount established by regulation, the person is not entitled to a refund.

4. The formula that an insurer uses to determine the amount of a refund must be submitted to and approved by the Commissioner before it is used."

Amend sec. 114, page 49, by deleting lines 22 through 27 and inserting:

"Sec. 114. *The Commissioner may adopt regulations to carry out the provisions of this chapter.*".

Amend sec. 116, page 50, by deleting lines 5 and 6 and inserting: "requires, the words and terms defined in NRS 690A.012 to ~~[690A.028,]~~ 690A.018, inclusive, and sections 92 to 99,".

Amend the bill as a whole by adding a new section designated sec. 116.5, following sec. 116, to read as follows:

"Sec. 116.5. NRS 690A.012 is hereby amended to read as follows:

690A.012 "Compensation" means any valuable consideration, direct or indirect, paid by or on behalf of the insurer, or by any subsidiary or parent, or subsidiary of the parent of the insurer, or by any other person to or on behalf of any group policyholder or producer or withheld from an insurer by any group policyholder or producer, and includes:

1. Paid or credited commissions or contingent commissions.
2. Fees for services, consulting fees or any other fee paid or credited within or outside this State in direct relation to the volume of premiums produced or written in this State.
3. The use of electronic data processing equipment or services, except for devices provided in lieu of books and charts of rates and refunds usable only for that purpose.
4. The furnishing of supplies, except forms approved by the Commissioner, the usual forms for claims and reports, envelopes for transmitting claims and brochures, and books and charts of rates and refunds.
5. Providing rental equipment of any type.
6. Advertising.
7. Providing telephone service without charge or at a charge less than the usual cost.
8. Participation in a profit-sharing plan.
9. Dividends and refunds or credits based on experience ratings.
10. An allowance for expenses.
11. Participation in stock plans or bonuses.
12. Any form of credit, including the use of money.
13. Commissions for reinsurance, ceded or assumed.
14. Reinsurance with a nonauthorized insurer owned or controlled by a creditor or producer or with a nonauthorized insurer in which a creditor or producer is a stockholder.
15. Any commission or fee, inducement or intention to induce, or any other consideration arising from the sale of insurance or other product or service, except *consumer* credit insurance as part of the transaction in which the indebtedness is arranged or the application for the *consumer* credit insurance is made."

Amend the bill as a whole by adding a new section designated sec. 122.5, following sec. 122, to read as follows:

"Sec. 122.5. NRS 690A.260 is hereby amended to read as follows:

690A.260 1. Except as otherwise provided in subsection 2, an authorized insurer issuing *consumer* credit insurance may not enter into any agreement whereby the authorized insurer transfers, by reinsurance or otherwise, to an unauthorized insurer, as they relate to *consumer* credit insurance written or issued in this State:

(a) A substantial portion of the risk of loss under the *consumer* credit insurance written by the authorized insurer in this State;

(b) All of one or more kinds, lines, types or classes of *consumer* credit insurance;

(c) All of the *consumer* credit insurance produced through one or more agents, agencies or creditors;

(d) All of the *consumer* credit insurance written or issued in a designated geographical area; or

(e) All of the *consumer* credit insurance under a policy of group insurance.

2. An authorized insurer may make the transfers listed in subsection 1 to an unauthorized insurer if the unauthorized insurer:

(a) Maintains security on deposit with the Commissioner in an amount which when added to the actual capital and surplus of the insurer is equal to the capital and surplus required of an authorized stock insurer pursuant to NRS 680A.120. The security may consist only of the following:

(1) Cash.

(2) General obligations of, or obligations guaranteed by, the Federal Government, this State or any of its political subdivisions. These obligations must be valued at the lower of market value or par value.

(3) Any other type of security that would be acceptable if posted by a domestic or foreign insurer.

(b) Files an annual statement with the Commissioner pursuant to NRS 680A.270.

(c) Maintains reserves on its *consumer* credit insurance business pursuant to NRS 681B.050.

(d) Values its assets and liabilities pursuant to NRS 681B.010 to 681B.040, inclusive.

(e) Agrees to examinations conducted by the Commissioner pursuant to NRS 679B.230.

(f) Complies with the standards adopted by the Commissioner pursuant to NRS 679A.150.

(g) Does not hold, issue or have an arrangement for holding or issuing any of its stock for which dividends are paid based on:

(1) The experience of a specific risk of all of one or more kinds, lines, types or classes of insurance;

(2) All of the business produced through one or more agents, agencies or creditors;

(3) All of the business written in a designated geographical area; or

(4) All of the business written for one or more forms of insurance."

Amend sec. 164, page 68, line 30, by deleting "690A.012,".

Amend sec. 164, page 68, line 35, by deleting "690A.260,".

Amend the leadlines of repealed sections by deleting the leadlines of NRS 690A.012 and 690A.260.

Amend the title of the bill by deleting the second through fourth lines and inserting: "medical discount plans; providing the tax rate on premiums for risk retention groups; providing for the regulation of credit personal property insurance; decreasing certain fees for risk retention groups; authorizing an insurer".

Senator Townsend moved the adoption of the amendment.

Remarks by Senators Townsend, Care and Titus.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 505.

Bill read second time.

The following amendment was proposed by the Committee on Transportation and Homeland Security:

Amendment No. 1012

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 481.051 is hereby amended to read as follows:

481.051 1. The Director shall direct and supervise all administrative and technical activities of the Department.

2. The Director may organize the Department into various divisions, alter the organization and reassign responsibilities and duties as he deems appropriate.

3. The Director shall:

(a) Formulate the policy of the Department and the various divisions thereof.

(b) Coordinate the activities of the various divisions of the Department.

(c) Adopt such regulations consistent with law as he deems necessary for the operation of the Department and the enforcement of all laws administered by the Department.

4. The Director may appoint vendors to serve as agents of the Department to sell temporary permits. The vendor shall collect the fees for the permits issued pursuant to chapter 706 of NRS and pay them to the Department. The vendor shall guarantee payment by giving a bond in an amount not less than \$25,000, executed by the vendor as principal, and by a corporation qualified pursuant to the laws of this State as surety, payable to the State of Nevada. In lieu of a bond, the vendor may deposit with the State Treasurer a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal

except upon approval of the Director. Upon approval of the Governor, the Director may appoint ~~[inspectors]~~ *employees* of the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* and personnel of the Nevada Highway Patrol Division of the Department of Public Safety to serve without remuneration as vendors for the purposes of this subsection.

5. The Director may delegate to the officers and employees of the Department such authorities and responsibilities not otherwise delegated by law as he deems necessary for the efficient conduct of the business of the Department."

Amend the bill as a whole by renumbering sec. 4 as sec. 12 and adding new sections designated sections 5 through 11, following sec. 3, to read as follows:

"Sec. 5. NRS 483.160 is hereby amended to read as follows:

483.160 1. "School bus" means every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. "School bus" does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* when such a vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 6. NRS 484.148 is hereby amended to read as follows:

484.148 1. "School bus" means every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity.

2. "School bus" does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* when such vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 7. NRS 484.229 is hereby amended to read as follows:

484.229 1. Except as otherwise provided in subsections 2, 3 and 4, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 or more, shall, within 10 days after the accident, forward a written report of the accident to the



Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written reports whenever the original report is insufficient in the opinion of the Department.

2. A report is not required from any person if the accident was investigated by a law enforcement agency and the report of the investigating officer contains:

- (a) The name and address of the insurance company providing coverage to each person involved in the accident;
- (b) The number of each policy; and
- (c) The dates on which the coverage begins and ends.

3. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* need not submit in his report the information requested pursuant to subsection 3 of NRS 484.247 until the 10th day of the month following the month in which the accident occurred.

4. A written accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of his incapacity. Whenever the driver is physically incapable of making a written report of an accident as required in this section and he is not the owner of the vehicle, the owner shall within 10 days after knowledge of the accident make the report not made by the driver.

5. All written reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for accident prevention, except that the Department may disclose to a person involved in an accident or to his insurer the identity of another person involved in the accident when his identity is not otherwise known or when he denies his presence at the accident. The Department may also disclose the name of his insurer and the number of his policy.

6. A written report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484.236.

Sec. 8. NRS 484.631 is hereby amended to read as follows:

484.631 1. Tow cars must be equipped with:

(a) One or more brooms, and the driver of the tow car engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle which is to be towed.

(b) A shovel, and whenever practical the driver of the tow car engaged to remove any disabled vehicle shall spread dirt upon any portion of the roadway where oil or grease has been deposited by the disabled vehicle.

(c) At least one fire extinguisher of the dry chemical or carbon dioxide type, with minimum effective chemicals of no less than 5 pounds, with an aggregate rating of at least 10-B, C units, which must bear the approval of a laboratory nationally recognized as properly equipped to grant such approval.

2. A citation may be issued to any driver of a tow car who violates any provision of paragraph (a) of subsection 1. The peace officer who issues the citation shall report the violation to the Nevada Highway Patrol or the sheriff of the county or the chief of police of the city in which the roadway is located. If necessary, the Nevada Highway Patrol, sheriff or chief of police shall cause the roadway to be cleaned and shall bill the owner or operator of the tow car for the costs of the cleaning. If the owner or operator does not pay those costs within 30 days after receiving the bill therefor, the Nevada Highway Patrol, sheriff or chief of police shall report such information to the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada*, which may take disciplinary action in accordance with the provisions of NRS 706.449.

Sec. 9. NRS 487.038 is hereby amended to read as follows:

487.038 1. Except as otherwise provided in subsections 3 and 4, the owner or person in lawful possession of any real property may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard if:

(a) A sign is displayed in plain view on the property declaring public parking to be prohibited or restricted in a certain manner; and

(b) The sign shows the telephone number of the police department or sheriff's office.

2. Oral notice must be given to the police department or sheriff's office, whichever is appropriate, indicating:

(a) The time the vehicle was removed;

(b) The location from which the vehicle was removed; and

(c) The location to which the vehicle was taken.

3. Any vehicle which is parked in a space designated for the handicapped and is not properly marked for such parking may be removed if notice is

given to the police department or sheriff's office pursuant to subsection 2, whether or not a sign is displayed pursuant to subsection 1.

4. The owner or person in lawful possession of residential real property upon which a single-family dwelling is located may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard, whether or not a sign is displayed pursuant to subsection 1.

5. All costs incurred, under the provisions of this section, for towing and storage must be borne by the owner of the vehicle, as that term is defined in NRS 484.091.

6. The provisions of this section do not limit or affect any rights or remedies which the owner or person in lawful possession of real property may have by virtue of other provisions of the law authorizing the removal of a vehicle parked on that property.

Sec. 10. NRS 62A.300 is hereby amended to read as follows:

62A.300 "School bus" includes every motor vehicle owned by or under the control of a public or governmental agency or a private school and regularly operated for the transportation of children to or from school or a school activity or privately owned and regularly operated for compensation for the transportation of children to or from school or a school activity. The term does not include a passenger car operated under a contract to transport children to and from school, a common carrier or commercial vehicle under the jurisdiction of the Surface Transportation Board or the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* when such a vehicle is operated in the regular conduct of its business in interstate or intrastate commerce within the State of Nevada.

Sec. 11. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

- (a) Consumer Affairs Division.
- (b) Division of Financial Institutions.
- (c) Housing Division.
- (d) Manufactured Housing Division.
- (e) Real Estate Division.
- (f) Division of Insurance.
- (g) Division of Industrial Relations.
- (h) Office of Labor Commissioner.
- (i) Taxicab Authority.
- (j) Nevada Athletic Commission.
- (k) Office of the Nevada Attorney for Injured Workers.
- (l) ~~{Transportation Services Authority}~~
- ~~(m)~~ Division of Mortgage Lending.

~~[(n)]~~ (m) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute."

Amend sec. 4, page 4, by deleting lines 21 and 22 and inserting:  
~~"[Transportation Services Authority is the Chairman of the Authority, the Chief of the]~~ Division of Mortgage Lending is".

Amend the bill as a whole by renumbering sections 5 and 6 as sections 18 and 19 and adding new sections designated sections 13 through 17, following sec. 4, to read as follows:

"Sec. 13. NRS 268.097 is hereby amended to read as follows:

268.097 1. Except as otherwise provided in subsections 2 and 3, notwithstanding the provisions of any local, special or general law, after July 1, 1963, the governing body of any incorporated city in this State, whether incorporated by general or special act, or otherwise, may not supervise or regulate any taxicab motor carrier as defined in NRS 706.126 which is under the supervision and regulation of the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* pursuant to law.

2. The governing body of any incorporated city in this State, whether incorporated by general or special act, or otherwise, may fix, impose and collect a license tax on and from a taxicab motor carrier for revenue purposes only.

3. The governing body of any incorporated city in any county in which the provisions of NRS 706.8811 to 706.885, inclusive, do not apply, whether incorporated by general or special act, or otherwise, may regulate by ordinance the qualifications required of employees or lessees of a taxicab motor carrier in a manner consistent with the regulations adopted by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada*.

Sec. 14. NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the ~~[Transportation Services Authority whom it designates as an inspector or as manager of transportation]~~ *Public Utilities Commission of Nevada* who is employed in a position which the Commission has determined requires a person who is qualified as a peace officer is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 706 and 712 of NRS and all regulations of the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* or the Department of Motor Vehicles pertaining thereto; and

2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

Sec. 15. 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]~~  
*Employees of the Public Utilities Commission of Nevada specified in NRS 289.320* 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 fulltime 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 Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

15. Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles 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 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 juvenile justice services established by ordinance pursuant to NRS 62G.210 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 fulltime 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. 16. NRS 338.135 is hereby amended to read as follows:

338.135 Where a truck or truck and trailer combination is rented or leased after April 22, 1969, by a contractor or subcontractor on a public work, the hourly rate for the rental or lease of such truck or truck and trailer combination must, when added to the prevailing rate of wages required by NRS 338.020 for the driver, not be less than the hourly rate for similar vehicles with a driver as such hourly rate appears in freight tariffs approved by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* for the area in which the public work is located.

Sec. 17. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

- (a) Sold;
- (b) Exchanged for any thing or service;
- (c) Removed from the State in a form ready for use or sale; or
- (d) Used in a manufacturing process or in providing a service,

↪ during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

- (a) The actual cost of extracting the mineral.
- (b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.
- (c) The actual cost of reduction, refining and sale.
- (d) The actual cost of marketing and delivering the mineral and the conversion of the mineral into money.
- (e) The actual cost of maintenance and repairs of:
  - (1) All machinery, equipment, apparatus and facilities used in the mine.
  - (2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada . ~~for the Transportation Services Authority.]~~

(f) The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e).

(g) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.

(h) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.

(i) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

(j) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit.

(k) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department.

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

- (a) The working of the mine;
- (b) The operating of the mill, smelter or reduction works;
- (c) The operating of the facilities or equipment for transportation;
- (d) Superintending the management of any of those operations; or
- (e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations."

Amend the bill as a whole by deleting sections 7 through 19 and adding new sections designated sections 20 through 140, following sec. 6, to read as follows:

"Sec. 20. NRS 373.117 is hereby amended to read as follows:

373.117 1. A regional transportation commission, a county whose population is less than 100,000 or an incorporated city within such a county may establish or operate a public transit system consisting of:

- (a) Regular routes and fixed schedules to serve the public;
- (b) Nonemergency medical transportation of persons to facilitate their use of a center as defined in NRS 435.170, if the transportation is available upon request and without regard to regular routes or fixed schedules;
- (c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or
- (d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

2. A regional transportation commission may lease vehicles to or from or enter into other contracts with a private operator for the provision of such a system.

3. In a county whose population is less than 400,000, such a system may also provide service which includes:

(a) Minor deviations from the regular routes and fixed schedules required by paragraph (a) of subsection 1 on a recurring basis to serve the public transportation needs of passengers. The deviations must not exceed one-half mile from the regular routes.

(b) The transporting of persons other than those specified in paragraph (b), (c) or (d) of subsection 1 upon request without regard to regular routes or fixed schedules, if the service is provided by a common motor carrier which has a certificate of public convenience and necessity issued by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* pursuant to NRS 706.386 to 706.411, inclusive, and the service is subject to the rules and regulations adopted by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* for a fully regulated carrier.

4. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a regional transportation commission may utilize a turnkey procurement process to select a person to design, build, operate and maintain, or any combination thereof, a fixed guideway system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a fixed guideway project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether turnkey procurement is the most cost effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

5. Notwithstanding the provisions of chapter 332 of NRS, a regional transportation commission may utilize a competitive negotiation procurement process to procure rolling stock for a fixed guideway project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

6. If a commission develops a fixed guideway project, the Department of Transportation is hereby designated to serve as the oversight agency to



ensure compliance with the federal safety regulations for rail fixed guideway systems set forth in 49 C.F.R. Part 659.

7. As used in this section:

(a) "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* a certificate of public convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada*.

(b) "Minimum operable segment" means the shortest portion of a fixed guideway system that is technically capable of providing viable public transportation between two end points.

(c) "Public transit system" means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, operated for public use in the conveyance of persons.

(d) "Turnkey procurement" means a competitive procurement process by which a person is selected by a regional transportation commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a fixed guideway system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 21. NRS 377A.140 is hereby amended to read as follows:

377A.140 1. Except as otherwise provided in subsection 2, a public transit system in a county whose population is 400,000 or more may, in addition to providing local transportation within the county and the services described in NRS 377A.130, provide:

(a) Programs to reduce or manage motor vehicle traffic; and

(b) Any other services for a public transit system which are requested by the general public,

➡ if those additional services are included and described in a long-range plan adopted pursuant to 23 U.S.C. § 134 and 49 U.S.C. § 5303.

2. Before a regional transportation commission may provide for an on call public transit system in an area of the county, other than an on-call public transit system that provides the nonemergency medical transportation described in NRS 377A.130, the commission must receive a determination from the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* that:

(a) There are no common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in that area; or

(b) Although there are common motor carriers of passengers who are authorized to provide on-call operations for transporting passengers in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, those operations.

3. As used in this section:

(a) "Common motor carrier of passengers" has the meaning ascribed to it in NRS 706.041.

(b) "On-call public transit system" means a system established to transport passengers only upon the request of a person who needs transportation.

Sec. 22. NRS 392.330 is hereby amended to read as follows:

392.330 1. In addition to the purposes authorized by NRS 392.320, a board of trustees may use transportation funds of the school district for:

(a) Arranging and paying for transportation, in accordance with subsection 2, by motor vehicles or otherwise, by contract or such other arrangement as the board of trustees finds most economical, expedient and feasible and for the best interests of the school district.

(b) Purchasing tickets at reduced rates for the transportation of pupils, including, without limitation, homeless pupils, on public buses for use by pupils enrolled in middle school, junior high school and high school to travel to and from school.

2. Transportation may be arranged and contracted for by a board of trustees with:

(a) Any railroad company, ~~holding a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada or~~ bus company or other licensed common carrier holding a certificate of public convenience and necessity issued by the ~~Transportation Services Authority.~~ *Public Utilities Commission of Nevada.*

(b) The owners and operators of private automobiles or other private motor vehicles, including parents of pupils who attend school and are entitled to transportation. When required by the board of trustees, every such private automobile or other private motor vehicle regularly transporting pupils must be insured in the amount required by regulation of the State Board against the loss and damage described in subsection 2 of NRS 392.320.

Sec. 23. NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, psychologist, marriage and family therapist, social worker or registered nurse. The agent, officer, physician, psychologist, marriage and family therapist, social worker or registered nurse may:

(a) Without a warrant:

(1) Take an allegedly mentally ill person into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the ~~[Transportation Services Authority;]~~ *Public Utilities Commission of Nevada*; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➔ only if the agent, officer, physician, psychologist, marriage and family therapist, social worker or registered nurse has, based upon his personal observation of the allegedly mentally ill person, probable cause to believe that the person is a mentally ill person and, because of that illness, is likely to harm himself or others if allowed his liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take an allegedly mentally ill person into custody to allow the applicant for the order to apply for the emergency admission of the allegedly mentally ill person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the allegedly mentally ill person to a public or private mental health facility or hospital for that purpose.

➔ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the allegedly mentally ill person is a mentally ill person and, because of that illness is likely to harm himself or others if allowed his liberty.

2. An application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the allegedly mentally ill person may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of an allegedly mentally ill person for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. As used in subsection 1, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

5. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

Sec. 24. NRS 433A.330 is hereby amended to read as follows:

433A.330 1. When any involuntary court admission is ordered under the provisions of this chapter, the involuntarily admitted person, together

with the court orders and certificates of the physicians, certified psychologists or evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the county who shall:

(a) Transport the person; or

(b) Arrange for the person to be transported by:

(1) A system for the nonemergency medical transportation of persons whose operation is authorized by the ~~[Transportation Services Authority;]~~ *Public Utilities Commission of Nevada*; or

(2) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,  
 ➔ to the appropriate public or private mental health facility.

2. No mentally ill person may be transported to the mental health facility without at least one attendant of the same sex or a relative in the first degree of consanguinity or affinity being in attendance.

Sec. 25. NRS 441A.560 is hereby amended to read as follows:

441A.560 1. An application to a health authority for an order of emergency isolation or quarantine of a person or a group of persons alleged to have been infected with or exposed to a communicable disease may only be made by another health authority, a physician, a licensed physician assistant, a registered nurse or a medical facility by submitting the certificate required by NRS 441A.570. Within its jurisdiction, upon application or on its own, subject to the provisions of NRS 441A.500 to 441A.720, inclusive, a health authority may:

(a) Pursuant to its own order and without a warrant:

(1) Take a person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease into custody in any safe location under emergency isolation or quarantine for testing, examination, observation and the provision of or arrangement for the provision of consensual medical treatment; and

(2) Transport the person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose, or arrange for the person or group of persons to be transported for that purpose by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the ~~[Transportation Services Authority;]~~ *Public Utilities Commission of Nevada*; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,  
 ➔ only if the health authority acting in good faith has, based upon personal observation, its own epidemiological investigation or an epidemiological investigation by another health authority, a physician, a licensed physician

assistant or a registered nurse as stated in a certificate submitted pursuant to NRS 441A.570, if such a certificate was submitted, of the person or group of persons alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of members of the public who have not been infected with or exposed to the communicable disease.

(b) Petition a district court for an emergency order requiring:

(1) Any health authority or peace officer to take a person or group of persons alleged to have been infected with or exposed to a communicable disease into custody to allow the health authority to investigate, file and prosecute a petition for the involuntary court-ordered isolation or quarantine of the person or group of persons alleged to have been infected with or exposed to a communicable disease in the manner set forth in NRS 441A.500 to 441A.720, inclusive; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport, in accordance with such court order, the person or group of persons alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose.

2. The district court may issue an emergency order for isolation or quarantine pursuant to paragraph (b) of subsection 1:

(a) Only for the time deemed necessary by the court to allow a health authority to investigate, file and prosecute each petition for involuntary court-ordered isolation or quarantine pursuant to NRS 441A.500 to 441A.720, inclusive; and

(b) Only if it is satisfied that there is probable cause to believe that the person or group of persons alleged to have been infected with or exposed to a communicable disease has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public.

Sec. 26. NRS 441A.720 is hereby amended to read as follows:

441A.720 When any involuntary court isolation or quarantine is ordered under the provisions of NRS 441A.500 to 441A.720, inclusive, the involuntarily isolated or quarantined person, together with the court orders, any certificates of the health authorities, physicians, licensed physician assistants or registered nurses, the written summary of the evaluation team and a full and complete transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the appropriate county who must be ordered to:

1. Transport the person; or
2. Arrange for the person to be transported by:

(a) A system for the nonemergency medical transportation of persons whose operation is authorized by the ~~[Transportation Services Authority;]~~ *Public Utilities Commission of Nevada*; or

(b) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,  
➔ to the appropriate public or private medical facility, residence or other safe location.

Sec. 27. NRS 445B.200 is hereby amended to read as follows:

445B.200 1. The State Environmental Commission is hereby created within the State Department of Conservation and Natural Resources. The Commission consists of:

- (a) The Director of the Department of Wildlife;
- (b) The State Forester Firewarden;
- (c) The State Engineer;
- (d) The Director of the State Department of Agriculture;
- (e) The Administrator of the Division of Minerals of the Commission on Mineral Resources;
- (f) A member of the State Board of Health to be designated by that Board; and
- (g) Five members appointed by the Governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The Governor shall appoint the Chairman of the Commission from among the members of the Commission.

3. A majority of the members constitutes a quorum, and a majority of those present must concur in any decision.

4. Each member who is appointed by the Governor is entitled to receive a salary of not more than \$80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.

5. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has received during the previous 2 years a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the Commission. The provisions of this subsection do not apply to any person who receives or has received during the previous 2 years, a significant portion of his income from any department or agency of State Government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.

7. The State Department of Conservation and Natural Resources shall provide technical advice, support and assistance to the Commission. All state officers, departments, commissions and agencies, including the Department

of Transportation, the Department of Human Resources, the University and Community College System of Nevada, the State Public Works Board, the Department of Motor Vehicles, the Department of Public Safety, the Public Utilities Commission of Nevada ~~[, the Transportation Services Authority]~~ and the State Department of Agriculture may also provide technical advice, support and assistance to the Commission.

Sec. 28. NRS 565.040 is hereby amended to read as follows:

565.040 1. The Director may declare any part of this State a brand inspection district.

2. After the creation of any brand inspection district as authorized by this chapter, all animals within any such district are subject to brand inspection in accordance with the provisions of this chapter before:

- (a) Consignment for slaughter within any district;
- (b) Any transfer of ownership by sale or otherwise; or
- (c) Removal from the district if the removal is not authorized pursuant to a livestock movement permit issued by the Department.

3. If a brand inspection district is created by the Department pursuant to the provisions of this chapter, the Director shall adopt regulations defining the boundaries of the district and the fees to be collected for brand inspection and prescribing such other methods of procedure not inconsistent with the provisions of this chapter as he considers necessary.

4. Any regulations adopted pursuant to the provisions of this section must be published at least twice in a newspaper having a general circulation in the brand inspection district created by the regulations, and copies of the regulations must be mailed to all common carriers of record with the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* operating in the brand inspection district. Such publication and notification constitutes legal notice of the creation of the brand inspection district. The expense of advertising and notification must be paid from the Livestock Inspection Account.

Sec. 29. NRS 598A.040 is hereby amended to read as follows:

598A.040 The provisions of this chapter do not apply to:

1. Any labor, agricultural or horticultural organizations organized for the purpose of self-help and not for profit to itself nor to individual members thereof, while lawfully carrying out its legitimate objects.

2. Bona fide religious and charitable activities of any nonprofit corporation, trust or organization established exclusively for religious or charitable purposes.

3. Conduct which is expressly authorized, regulated or approved by:

- (a) A statute of this State or of the United States;
- (b) An ordinance of any city or county of this State, except for ordinances relating to community antenna television companies; or
- (c) An administrative agency of this State or of the United States or of a city or county of this State, having jurisdiction of the subject matter.

4. Conduct or agreements relating to rates, fares, classifications, divisions, allowances or charges, including charges between carriers and compensation paid or received for the use of facilities and equipment, that are authorized, regulated or approved by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* pursuant to chapter 706 of NRS.

5. Restrictive covenants:

(a) Which are part of a contract of sale for a business and which bar the seller of the business from competing with the purchaser of the business sold within a reasonable market area for a reasonable period of time; or

(b) Which are part of a commercial shopping center lease and which bar the parties from permitting or engaging in the furnishing of certain services or the sale of certain commodities within the commercial shopping center where such leased premises are located.

Sec. 30. NRS 694C.360 is hereby amended to read as follows:

694C.360 Insurance provided by a captive insurer in accordance with this chapter may not be used to satisfy the requirements set forth in chapter 706 of NRS relating to the insurance required to be maintained by vehicles subject to the jurisdiction of the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* or Taxicab Authority, unless the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* or Taxicab Authority, as appropriate, specifically approves the use of insurance provided by a captive insurer for that purpose.

Sec. 31. NRS 703.025 is hereby amended to read as follows:

703.025 1. The Commission, by majority vote, shall organize the Commission into sections, alter the organization of the Commission and reassign responsibilities and duties of the sections of the Commission as the Commission deems necessary to provide:

(a) Advice and guidance to the Commission on economic policies relating to utilities *and transportation services* under the jurisdiction of the Commission, and the regulation of such utilities ~~[and]~~ *and transportation services*;

(b) Administrative, technical, legal and support services to the Commission; and

(c) For the regulation of utilities governed by the Commission and the services offered by such utilities, including, but not limited to, licensing of such utilities and services and the resolution of consumer complaints.

2. The Commission shall:

(a) Formulate the policies of the various sections of the Commission;

(b) Coordinate the activities of the various sections of the Commission;

(c) If customers are authorized by a specific statute to obtain a competitive, discretionary or potentially competitive utility service, take any actions which are consistent with the statute and which are necessary to encourage and enhance:



(1) A competitive market for the provision of that utility service to customers in this State; and

(2) The reliability and safety of the provision of that utility service within that competitive market; and

(d) Adopt such regulations consistent with law as the Commission deems necessary for the operation of the Commission and the enforcement of all laws administered by the Commission.

3. Before reorganizing the Commission, the Commission shall submit the plan for reorganization to:

(a) The Director of the Legislative Counsel Bureau for transmittal to the appropriate legislative committee and the Interim Finance Committee; and

(b) The Director of the Department of Administration.

Sec. 32. NRS 703.085 is hereby amended to read as follows:

703.085 1. A majority of the Commissioners has full power to act in all matters within the jurisdiction of the Commission.

2. Before the Commission may enter a final order on a matter, there must be at least two Commissioners who are able to act on the matter. If there are fewer than two Commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled ~~{ }~~ or any other reason, the Governor shall appoint the requisite number of persons to serve as Acting Commissioners in the place of the Commissioners who are unable to act on the matter so that there are at least two persons who are able to act on the matter, whether serving as a Commissioner or an Acting Commissioner. If there are fewer than two Commissioners who are able to act on the matter because of disqualifications, illnesses, incapacities, vacancies that have not yet been filled ~~{ }~~ or any other reason, and the Governor has not appointed the requisite number of persons to serve as Acting Commissioners pursuant to this subsection, the ~~{Deputy}~~ *Transportation Hearing* Commissioner appointed pursuant to subsection 1 of NRS 703.130 may serve as an Acting Commissioner.

3. Before the Governor may appoint a person to serve as an Acting Commissioner in the place of a Commissioner who is unable to act on the matter, the person must be qualified to serve in the office of that Commissioner as if the Governor were appointing the person to fill a vacancy in that office.

4. A person who is appointed or authorized to serve as an Acting Commissioner shall be deemed to be a Commissioner and is entitled to exercise the powers of a Commissioner only in proceedings before the Commission that involve the matter or matters for which the person is appointed or authorized to serve as an Acting Commissioner.

5. A person who is appointed to serve as an Acting Commissioner:

(a) Is subject to all legal requirements and restrictions and enjoys all legal protections and immunities that apply to a Commissioner and to state officers

generally while the person is engaged in the business of the Commission as an Acting Commissioner; and

(b) Is entitled to receive, for each day the person is engaged in the business of the Commission as an Acting Commissioner, a salary of \$80 and the per diem allowance and travel expenses provided for state officers and employees generally. The person is not entitled to receive any other compensation for serving as an Acting Commissioner.

6. A person who is appointed to serve as an Acting Commissioner serves at the pleasure of the Governor. The appointment of the person expires:

(a) On the date that the Governor declares that the appointment has expired; or

(b) On the date that the matter or matters for which the person was appointed are no longer pending before the Commission,

↪ whichever date occurs earlier.

7. The Governor may reappoint a person to serve as an Acting Commissioner.

Sec. 33. NRS 703.130 is hereby amended to read as follows:

703.130 1. The ~~{Commission}~~ Governor shall appoint a ~~{Deputy Commissioner who shall serve in the unclassified service of the State.}~~ person who has at least 2 years of experience in one or more fields listed in subsection 2 of NRS 703.030 to serve as the Transportation Hearing Commissioner. The Transportation Hearing Commissioner serves for a term of 4 years and shall preside, as assigned by the Chairman, over transportation cases under the jurisdiction of the Commission. The Transportation Hearing Commissioner is not a member of the Commission.

2. The Commission shall appoint a Secretary who shall perform such administrative and other duties as are prescribed by the Commission. The Commission shall also appoint an Assistant Secretary.

3. The Commission may employ such other clerks, experts, ~~{or}~~ engineers or other persons as may be necessary. Except for persons who are employed in clerical positions, all employees who are assigned duties relating to transportation as described in chapters 706 and 712 of NRS serve in the unclassified service of the State. The Commission may employ peace officers in any position it deems necessary for the regulation of transportation services which are under the jurisdiction of the Commission.

4. Except as otherwise provided in subsection 5, the Commission:

(a) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to NRS 702.160 and 702.170 and chapters 704, 704A, 704B, 705, 708 and 711 of NRS.

(b) May appoint one or more hearing officers for a period specified by the Commission to conduct proceedings or hearings that may be conducted by the Commission pursuant to chapter 706 of NRS.

(c) Shall prescribe by regulation the procedure for appealing a decision of a hearing officer to the Commission.

5. The Commission shall not appoint a hearing officer to conduct proceedings or hearings:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) In any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an application to clear its deferred accounts.

6. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 34. NRS 703.150 is hereby amended to read as follows:

703.150 The Commission shall supervise and regulate the operation and maintenance of public utilities , *fully regulated carriers* and other persons named and defined in chapters 704, 704A ~~[and]~~ , 706, 708 and 712 of NRS pursuant to the provisions of those chapters.

Sec. 35. NRS 706.072 is hereby amended to read as follows:

706.072 "Fully regulated carrier" means a common carrier or contract carrier of passengers or household goods who is required to obtain from the ~~[Authority]~~ *Commission* a certificate of public convenience and necessity or a contract carrier's permit and whose rates, routes and services are subject to regulation by the ~~[Authority]~~ *Commission*.

Sec. 36. NRS 706.085 is hereby amended to read as follows:

706.085 "Household goods" means personal effects and property used or to be used in a dwelling which are part of the equipment or supply of the dwelling and such other similar property as the ~~[Authority]~~ *Commission* may provide by regulation. The term does not include property moving from a factory or store, except property that the householder has purchased with the intent to use in his dwelling and that is transported at the request of, and the transportation charges paid to the carrier by, the householder.

Sec. 37. NRS 706.151 is hereby amended to read as follows:

706.151 1. It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to confer upon the ~~[Authority]~~ *Commission* the power , and to make it the duty of the ~~[Authority]~~ *Commission*, to regulate fully regulated carriers, operators of tow cars and brokers of regulated services to the extent provided in this chapter and to confer upon the Department of Motor Vehicles the power to license all motor carriers and to make it the duty of the Department of Motor Vehicles and the Department of Public Safety to enforce the provisions of this chapter and the regulations adopted by the ~~[Authority]~~ *Commission* pursuant to it, to relieve the undue burdens on the highways arising by reason of the use of the highways by vehicles in a gainful occupation thereon.

(b) To provide for reasonable compensation for the use of the highways in gainful occupations, and enable the State of Nevada, by using license fees, to provide for the proper construction, maintenance and repair thereof, and

thereby protect the safety and welfare of the traveling and shipping public in their use of the highways.

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and to foster sound economic conditions in motor transportation.

(d) To encourage the establishment and maintenance of reasonable charges for:

(1) Intrastate transportation by fully regulated carriers; and

(2) Towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, without unjust discriminations against or undue preferences or advantages being given to any motor carrier or applicant for a certificate of public convenience and necessity.

(e) To discourage any practices which would tend to increase or create competition that may be detrimental to the traveling and shipping public or the motor carrier business within this State.

2. All of the provisions of this chapter must be administered and enforced with a view to carrying out the declaration of policy contained in this section.

Sec. 38. NRS 706.1514 is hereby amended to read as follows:

706.1514 ~~{1. A majority of the members of the Authority may exercise all of the power and conduct the business of the Authority relating to common or contract carriers, taxicabs, and the warehousing of household goods as provided in this chapter and chapter 712 of NRS.~~

~~2. Except as otherwise provided in this subsection, public hearings must be conducted by one or more members of the Authority.~~ An administrative proceeding conducted pursuant to ~~{subsection 2 of NRS 706.771}~~ *this chapter may be conducted by {a} the Transportation Hearing Commissioner or any other hearing officer designated by the Chairman of the {Authority} Commission. An order of impoundment issued pursuant to NRS 706.476 by such a hearing officer or the Transportation Hearing Commissioner is a final order of the Commission for purposes of judicial review.*

Sec. 39. NRS 706.1515 is hereby amended to read as follows:

706.1515 1. Any common or contract carrier subject to the jurisdiction of the ~~{Authority}~~ *Commission* that elects to maintain its books and records outside the State of Nevada shall, in addition to any other assessment and fees provided for by law, be assessed by the ~~{Authority}~~ *Commission* for an amount equal to the travel expenses and the excess of the out-of-state subsistence allowances over the in-state subsistence allowances, as fixed by NRS 281.160, of members of the ~~{Authority}~~ *Commission* and staff, for investigations, inspections and audits required to be performed outside this State.

2. The assessments provided for by this section must be determined by the ~~{Authority}~~ *Commission* upon the completion of each such investigation,

inspection, audit or appearance and are due within 30 days after receipt by the affected common or contract carrier of the notice of assessment.

3. The records of the ~~[Authority]~~ *Commission* relating to the additional costs incurred by reason of the necessary additional travel must be open for inspection by the affected common or contract carrier at any time within the 30-day period.

Sec. 40. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The *Commission* Transportation ~~[Services—Authority]~~ Regulatory Fund is hereby created as a special revenue fund. ~~[All]~~ *Except as otherwise provided in NRS 703.147, all money collected by the ~~[Authority]~~ Commission pursuant to law must be deposited in the State Treasury for credit to the Fund.*

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the ~~[Authority]~~ *Commission pursuant to this chapter and chapter 712 of NRS.*

(b) Participating in all proceedings relevant to the jurisdiction of the ~~[Authority]~~ *Commission.*

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the ~~[Authority]~~ *Commission relating to transportation services set forth in this chapter and chapter 712 of NRS.*

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The ~~[Authority]~~ *Commission* must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 41. NRS 706.1517 is hereby amended to read as follows:

706.1517 Employees of the ~~[Authority]~~ *Commission* who are peace officers may carry firearms in the performance of their duties.

Sec. 42. NRS 706.156 is hereby amended to read as follows:

706.156 1. All common and contract motor carriers and brokers are hereby declared to be, to the extent provided in this chapter:

(a) Affected with a public interest; and

(b) Subject to NRS 706.011 to 706.791, inclusive.

2. A purchaser or broker of transportation services which are provided by a common motor carrier who holds a certificate of public convenience and necessity may resell those services, in combination with other services and facilities that are not related to transportation, but only in a manner complying with the scope of authority set forth in the certificate of the common motor carrier. The ~~[Authority]~~ *Commission* shall not prohibit or restrict such a purchaser or broker from reselling those transportation services to any person based upon that person's affiliation, or lack of affiliation, with any group.

Sec. 43. NRS 706.166 is hereby amended to read as follows:

706.166 The ~~[Authority]~~ *Commission* shall:

1. Subject to the limitation provided in NRS 706.168 and to the extent provided in this chapter, supervise and regulate:

(a) Every fully regulated carrier and broker of regulated services in this State in all matters directly related to those activities of the motor carrier and broker actually necessary for the transportation of persons or property, including the handling and storage of that property, over and along the highways.

(b) Every operator of a tow car concerning the rates and charges assessed for towing services performed without the prior consent of the operator of the vehicle or the person authorized by the owner to operate the vehicle and pursuant to the provisions of NRS 706.011 to 706.791, inclusive.

2. Supervise and regulate the storage of household goods and effects in warehouses and the operation and maintenance of such warehouses in accordance with the provisions of this chapter and chapter 712 of NRS.

3. Enforce the standards of safety applicable to the employees, equipment, facilities and operations of those common and contract carriers subject to the ~~[Authority]~~ *Commission* or the Department by:

(a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

➡ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

~~{5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.}~~

Sec. 44. NRS 706.167 is hereby amended to read as follows:

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the ~~[Authority]~~ *Commission* shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the ~~[Authority]~~ *Commission* by regulation and render them to the ~~[Authority]~~ *Commission* upon its request.

(b) Furnish an annual report to the ~~[Authority]~~ *Commission* in the form and detail that it prescribes by regulation.

➔ The regulations of the ~~[Authority]~~ *Commission* may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the ~~[Authority]~~ *Commission* to enforce the provisions of NRS 706.011 to 706.791, inclusive.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the ~~[Authority]~~ *Commission*, prepare the reports required by this section for a year other than a calendar year that the ~~[Authority]~~ *Commission* specifies and submit them not later than a date specified by the ~~[Authority]~~ *Commission* in each year.

4. If the ~~[Authority]~~ *Commission* finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

Sec. 45. NRS 706.1675 is hereby amended to read as follows:

706.1675 Every annual report, record or statement required ~~[by law]~~ pursuant to this chapter to be made to the ~~[Authority]~~ *Commission* must be submitted under oath by the proper officer, agent or person responsible for submitting the report, record or statement.

Sec. 46. NRS 706.168 is hereby amended to read as follows:

706.168 The authority of the ~~[Transportation Services Authority]~~ *Commission* to supervise and regulate motor carriers and brokers respectively, to the extent provided in this chapter, must be exercised separately. A motor carrier is responsible only for his own acts and those of his employees or agents who are not brokers. A broker is responsible only for his own acts and those of his employees or agents who are not motor carriers.

Sec. 47. NRS 706.171 is hereby amended to read as follows:

706.171 1. The ~~[Authority]~~ *Commission*, the Department of Motor Vehicles and the Department of Public Safety may:

(a) Make necessary and reasonable regulations governing the administration and enforcement of the provisions of this chapter for which they are each responsible.

(b) Adopt by reference any appropriate rule or regulation, as it exists at the time of adoption, issued by the United States Department of Transportation, the Surface Transportation Board, any other agency of the Federal Government or the National Association of Regulatory Utility Commissioners.

(c) Require such reports and the maintenance of such records as they determine to be necessary for the administration and enforcement of this chapter.

(d) Except as otherwise provided in this section, examine, at any time during the business hours of the day, the books, papers and records of any fully regulated carrier ~~[ ]~~ and of any other common, contract or private motor carrier doing business in this State to the extent necessary for their respective duties. The ~~[Authority,]~~ *Commission*, the Department of Motor Vehicles and the Department of Public Safety may examine in other states or require by subpoena the production inside this State of such books, papers and records as are not maintained in this State.

(e) Temporarily waive any requirement for a certificate or permit when an emergency exists as defined in NRS 706.561.

2. No personnel records of an employee of a fully regulated carrier ~~[ ]~~ or of any other common, contract or private motor carrier may be examined pursuant to paragraph (d) of subsection 1 unless the records contain information relating to a matter of public safety or the ~~[Authority,]~~ *Commission*, the Department of Motor Vehicles and the Department of Public Safety determine that the examination is required to protect the interests of the public.

3. The Department of Motor Vehicles may adopt regulations to ensure the payment of any fee due or authorized pursuant to the provisions of this chapter.

4. As used in this section, "personnel records" does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 48. NRS 706.1715 is hereby amended to read as follows:

706.1715 ~~[1. The Attorney General shall:~~

~~(a) Act as counsel and attorney for the Authority in all actions, proceedings and hearings.~~

~~(b) Prosecute in the name of the Transportation Services Authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.~~

~~(c) Generally aid the Authority in the performance of its duties and the enforcement of this chapter.~~



~~2. The Attorney General or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.~~

Sec. 49. NRS 706.1717 is hereby amended to read as follows:

706.1717 The ~~[Authority]~~ Commission may, in carrying out its duties ~~[ ]~~ pursuant to this chapter:

1. Cooperate with the Federal Government and its departments and agencies.

2. Confer with the regulatory agencies of other states on matters of mutual concern and benefit to persons served by motor carriers of this State.

3. Use the services, records, facilities and cooperation of federal and state regulatory agencies, and hold joint hearings and participate in joint conferences to reach decisions in matters that require cooperation. All necessary expenses incurred in attending hearings and conferences outside this State are a charge against the State and must be paid as other claims against the State are paid.

Sec. 50. NRS 706.172 is hereby amended to read as follows:

706.172 1. Except as otherwise provided in subsection 2, any member of the ~~[Authority]~~ Commission or any officer or employee of the ~~[Authority]~~ Commission who is designated by the ~~[Authority]~~ Commission may examine , during ~~[the]~~ regular business hours , the books, accounts, records, minutes, papers and property of any person who is regulated by the ~~[Authority]~~ Commission pursuant to this chapter and who does business in this State, whether or not the book, account, record, minutes, paper or property is located within this State.

2. No personnel records of an employee may be examined pursuant to subsection 1 unless the records contain information relating to a matter of public safety or the ~~[Authority]~~ Commission determines that the examination is required to protect the interests of the public.

3. As used in this section, "personnel records" does not include:

- (a) The name of the employee who is the subject of the record;
- (b) The gross compensation and perquisites of the employee;
- (c) Any record of the business expenses of the employee;
- (d) The title or any description of the position held by the employee;
- (e) The qualifications required for the position held by the employee;
- (f) The business address of the employee;
- (g) The telephone number of the employee at his place of business;
- (h) The work schedule of the employee;
- (i) The date on which the employee began his employment; and
- (j) If applicable, the date on which the employment of the employee was terminated.

Sec. 51. NRS 706.1725 is hereby amended to read as follows:

706.1725 1. Any books, accounts, records, minutes, papers and property of any carrier that are subject to examination pursuant to NRS ~~[706.1518 and]~~ 706.172, and are made available to the ~~[Authority]~~

*Commission*, any officer or employee of the ~~[Authority]~~ *Commission* or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the ~~[Authority]~~ *Commission* first determines that the disclosure is justified.

2. The ~~[Authority]~~ *Commission* shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

- (a) Granting such protective orders as it deems necessary; and
- (b) Holding closed hearings to receive or examine such information.

3. If the ~~[Authority]~~ *Commission* closes a hearing to receive or examine such information, it shall:

- (a) Restrict access to the records and transcripts of such hearings without the prior approval of the ~~[Authority]~~ *Commission* or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and
- (b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the ~~[Authority]~~ *Commission*.

4. The ~~[Authority]~~ *Commission* shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the ~~[Authority]~~ *Commission* determines the information may be disclosed, the information must become a part of the records available to the public. Information that the ~~[Authority]~~ *Commission* determines may not be disclosed must be kept under seal.

Sec. 52. NRS 706.173 is hereby amended to read as follows:

706.173 1. The ~~[Authority]~~ *Commission*, the Department of Motor Vehicles or the Department of Public Safety may, by regulation applicable to common, contract and private motor carriers of passengers and property, adopt standards for safety for drivers and vehicles.

2. The Department of Motor Vehicles or the Department of Public Safety may, by regulation applicable to all motor vehicles transporting hazardous materials, adopt standards for the transportation of hazardous materials and hazardous waste as defined in NRS 459.430.

Sec. 53. NRS 706.197 is hereby amended to read as follows:

706.197 1. The ~~[Authority]~~ *Commission* may collect fees for the filing of any official document required by this chapter or by a regulation of the ~~[Authority]~~ *Commission*.

2. Filing fees may not exceed:

- (a) For applications, *in addition to any amount required pursuant to paragraph (b) of subsection 5 of NRS 706.391*, \$200.
- (b) For petitions seeking affirmative relief, \$200.
- (c) For each tariff page that requires public notice and is not attached to an application, \$10. If more than one page is filed at one time, the total fee may not exceed the cost of notice and publication.
- (d) For all other documents that require public notice, \$10.

3. If an application or other document is rejected by the ~~[Authority]~~ *Commission* because it is inadequate or inappropriate, the filing fee must be returned.

4. The ~~[Authority]~~ *Commission* may not charge any fee for filing a complaint. *The provisions of this subsection do not prohibit the Commission from ordering the payment of an assessment concerning a complaint pursuant to NRS 706.286.*

Sec. 54. NRS 706.201 is hereby amended to read as follows:

706.201 To the extent that such costs cannot be paid for from the *Commission* Transportation ~~[Services Authority]~~ Regulatory Fund, the costs of administration of this chapter must be paid from the State Highway Fund on claims presented by the ~~[Authority]~~ *Commission* or the Department, approved by the State Board of Examiners.

Sec. 55. NRS 706.226 is hereby amended to read as follows:

706.226 No common, contract or private motor carrier may operate on any highway ~~[nor any broker of regulated services]~~ or engage in business in this State except in accordance with the provisions of this chapter.

Sec. 56. NRS 706.231 is hereby amended to read as follows:

706.231 Sheriffs and all other peace officers and traffic officers of this State are charged with the duty, without further compensation, of assisting in the enforcement of this chapter. They shall make arrests for this purpose when requested by an authorized agent of the Department of Motor Vehicles, the Department of Public Safety, the ~~[Authority]~~ *Commission* or other competent authority.

Sec. 57. NRS 706.246 is hereby amended to read as follows:

706.246 Except as otherwise provided in NRS 706.235:

1. A common or contract motor carrier shall not permit or require a driver to drive or tow any vehicle revealed by inspection or operation to be in such condition that its operation would be hazardous or likely to result in a breakdown of the vehicle, and a driver shall not drive or tow any vehicle which by reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown of the vehicle. If, while any vehicle is being operated on a highway, it is discovered to be in such an unsafe condition, it may be continued in operation, except as further limited by subsection 2, only to the nearest place where repairs can safely be effected, and even that operation may be conducted only if it is less hazardous to the public than permitting the vehicle to remain on the highway.

2. A common or contract motor carrier or private motor carrier shall not permit or require a driver to drive or tow, and a driver shall not drive or tow, any vehicle which:

(a) By reason of its mechanical condition is so imminently hazardous to operate as to be likely to cause an accident or a breakdown; and

(b) Has been declared "out of service" by an authorized employee of the ~~[Authority]~~ *Commission*, the Department of Motor Vehicles or the Department of Public Safety.

↪ When the repairs have been made, the carrier shall so certify to the ~~[Authority]~~ *Commission* or the department that declared the vehicle "out of service," as required by the ~~[Authority]~~ *Commission* or that department.

Sec. 58. NRS 706.251 is hereby amended to read as follows:

706.251 1. Every person operating a vehicle used by any motor carrier under the jurisdiction of the ~~[Authority]~~ *Commission* shall forthwith report each accident occurring on the public highway, wherein the vehicle may have injured the person or property of some person other than the person or property carried by the vehicle, to the sheriff or other peace officer of the county where the accident occurred. If the accident immediately or proximately causes death, the person in charge of the vehicle, or any officer investigating the accident, shall furnish to the ~~[Authority]~~ *Commission* such detailed report thereof as required by the ~~[Authority]~~ *Commission*.

2. All accident reports required in this section must be filed in the office of the ~~[Authority]~~ *Commission* and there preserved. An accident report made as required by this chapter, or any report of the ~~[Authority]~~ *Commission* made pursuant to any accident investigation made by it, is not open to public inspection and must not be disclosed to any person, except upon order of the ~~[Authority]~~ *Commission*. The reports must not be admitted as evidence or used for any purpose in any action for damages growing out of any matter mentioned in the accident report or report of any such investigation.

Sec. 59. NRS 706.256 is hereby amended to read as follows:

706.256 The ~~[Authority]~~ *Commission* may, in the interest of safety or service, after hearing:

1. Determine and order repairs of facilities of common and contract motor carriers; and

2. Order the use of safety appliances by such carriers in the interest of the public and employees.

Sec. 60. NRS 706.266 is hereby amended to read as follows:

706.266 It is unlawful for any common, contract or private motor carrier to operate as a motor carrier of intrastate commerce within this State without having furnished to the ~~[Authority]~~ *Commission* the following:

1. Where a person does not hold a certificate of public convenience and necessity or a permit to operate as a common or contract motor carrier in the State of Nevada, an affidavit certifying that the person intends to operate as a private carrier.

2. Such other information as the ~~[Authority]~~ *Commission* may request.

Sec. 61. NRS 706.281 is hereby amended to read as follows:

706.281 1. In addition to any identifying device provided for in this chapter, each motor vehicle within the provisions of NRS 706.011 to 706.791, inclusive, must have the name of the person or operator operating the vehicle prominently and conspicuously displayed on both sides of the vehicle in such location, size and style as may be specified by the ~~[Authority]~~ *Commission*. The display shall not be deemed advertising for the

purposes of NRS 706.285 unless additional information about the operator is included.

2. This section does not apply to motor vehicles:

(a) Weighing 10,000 pounds or less operated by private carriers and not operated in combination with any other vehicle.

(b) Operated by an employer for the transportation of his employees, whether or not the employees pay for the transportation.

Sec. 62. NRS 706.282 is hereby amended to read as follows:

706.282 1. Each fully regulated carrier that advertises its services shall provide to the person who broadcasts, publishes, displays or distributes that advertisement the name, street address and telephone number of the natural person who requested the advertisement on behalf of the fully regulated carrier.

2. A person who broadcasts, publishes, displays or distributes the advertisement of a fully regulated carrier shall, within 3 days after he receives a written request from the ~~[Authority]~~ *Commission*, provide to the ~~[Authority]~~ *Commission* the name, street address and telephone number of the natural person who requested the advertisement if such information is readily available.

Sec. 63. NRS 706.285 is hereby amended to read as follows:

706.285 All advertising by:

1. A fully regulated carrier of intrastate commerce; and

2. An operator of a tow car,

↪ must include the number of the certificate of public convenience and necessity or contract carrier's permit issued to him by the ~~[Authority]~~ *Commission*.

Sec. 64. NRS 706.2855 is hereby amended to read as follows:

706.2855 1. If the ~~[Authority]~~ *Commission* finds, after notice and hearing, that a person has violated NRS 706.285, the ~~[Authority]~~ *Commission* may, in addition to any penalty, punishment or disciplinary action authorized by this chapter, petition a court of competent jurisdiction for an injunction prohibiting the person from continuing to:

(a) Engage in advertising that violates the provisions of NRS 706.285; or

(b) Use any telephone number mentioned in such advertising for any purpose.

2. If the court finds that the respondent has engaged in advertising that is unlawful pursuant to NRS 706.285, the court shall:

(a) Enjoin him from continuing the advertising.

(b) Enjoin him from using the telephone number mentioned in the advertising for any purpose.

(c) Issue an order that requires the telephone number mentioned in the advertising to be disconnected.

(d) Forward a copy of the order to the appropriate provider of telephone service within 5 days after issuing the order.

3. As used in this section, "provider of telephone service" includes, but is not limited to:

- (a) A public utility furnishing telephone service.
- (b) A provider of cellular or other service to a telephone that is installed in a vehicle or is otherwise portable.

Sec. 65. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person ~~[-]~~ that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,

→ the ~~[-Authority]~~ Commission shall investigate the complaint. After receiving the complaint, the ~~[-Authority]~~ Commission shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the ~~[-Authority]~~ Commission with its written response to the complaint according to the regulations of the ~~[-Authority]~~ Commission.

2. If the ~~[-Authority]~~ Commission determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

4. *In the final order concerning the complaint, the Commission may order the payment of an assessment of costs against the complainant based on the merits of the complaint and the findings of the Commission.*

Sec. 66. NRS 706.2865 is hereby amended to read as follows:

706.2865 1. When, in any matter pending before the ~~[-Authority]~~ Commission pursuant to this chapter, a hearing is required by law, or is normally required by the ~~[-Authority, the Authority]~~ Commission, the Commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The ~~[-Authority]~~ Commission shall by regulation specify:

- (a) The manner of giving notice; and
- (b) Where not specified by law, the persons entitled to notice in each type of proceeding.

2. Unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the ~~[Authority]~~ *Commission* a request that the hearing be held, the ~~[Authority]~~ *Commission* may dispense with a hearing and act upon the matter pending.

3. If a request for a hearing is filed, the ~~[Authority]~~ *Commission* shall give at least 10 days' notice of the hearing.

4. If an operator of a tow car files an application for a certificate of public convenience and necessity or an application to transfer a certificate of public convenience and necessity with the ~~[Authority, the Authority]~~ *Commission*, the *Commission* shall give notice pursuant to the provisions of subsection 1.

Sec. 67. NRS 706.2873 is hereby amended to read as follows:

706.2873 ~~[1.]~~ A complete record must be kept of all hearings before the ~~[Authority]~~ *Commission*, and all testimony must be taken down by the stenographer appointed by the ~~[Authority]~~ *Commission* or, under the direction of any competent person appointed by the ~~[Authority]~~ *Commission*, reported by sound recording equipment in the manner authorized for reporting testimony in district courts. The testimony reported by a stenographer must be transcribed and filed with the record in the matter. The ~~[Authority]~~ *Commission* may by regulation provide for the transcription or safekeeping of sound recordings. The costs of recording and transcribing testimony at any hearing, except those hearings ordered pursuant to NRS 706.286, must be paid by the applicant. If a complaint is made pursuant to NRS 706.286 by a customer or by a political subdivision of this State or a municipal organization, the complainant is not liable for any costs. Otherwise, if there are several applicants or parties to any hearing, the ~~[Authority]~~ *Commission* may apportion the costs among them in its discretion.

~~[2. Whenever any petition is served upon the Authority, before the action is reached for trial, the Authority shall file a certified copy of all proceedings and testimony taken with the clerk of the court in which the action is pending.~~

~~3. A copy of the proceedings and testimony must be furnished to any party, on payment of a reasonable amount, to be fixed by the Authority, and the amount must be the same for all parties.~~

~~4. The provisions of this section do not prohibit the Authority from restricting access to the records and transcripts of a hearing pursuant to subsection 2 of NRS 706.1725.]~~

Sec. 68. NRS 706.2875 is hereby amended to read as follows:

706.2875 1. Any party is entitled to an order by the ~~[Authority]~~ *Commission* for the appearance of witnesses or the production of books, papers and documents containing material testimony.

2. Witnesses appearing upon the order of the ~~[Authority]~~ *Commission* are entitled to the same fees and mileage as witnesses in civil actions in the courts of this State, and the fees and mileage must be paid out of the State

Treasury in the same manner as other claims against the State are paid. No fees or mileage may be allowed unless the Chairman of the [Authority] Commission certifies the correctness of the claim.

Sec. 69. NRS 706.288 is hereby amended to read as follows:

706.288 The [Authority] Commission may require, by order to be served on any person regulated by the [Authority] Commission pursuant to this chapter in the same manner as a subpoena in a civil action, the production at a time and place designated by the [Authority] Commission of any books, accounts, papers or records kept by the person in any office or place outside this State, or verified copies in lieu thereof if the [Authority] Commission so directs, so that an examination may be made by the [Authority] Commission or under its direction, or for use as testimony.

Sec. 70. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The [Authority] Commission may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the [Authority] Commission may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes his interest in the certificate, permit or license by so notifying the [Authority] Commission in writing, the [Authority] Commission may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 71. NRS 706.291 is hereby amended to read as follows:

706.291 1. The [Authority] Commission shall require every fully regulated carrier and every operator of a tow car, within such time and in such amounts as the [Authority] Commission may designate, to file with the [Authority] Commission, in a form required and approved by the [Authority] Commission, a liability insurance policy, or a certificate of insurance in lieu thereof, or a bond of a surety company, or other surety, in such reasonable sum as the [Authority] Commission may deem necessary to protect adequately the interests of the public.

2. The Department shall require every other common and contract motor carrier and every private carrier, within such time and in such amounts as the Department may designate, to file with the Department, in a form required and approved by the Department, a liability insurance policy, or a certificate of insurance in lieu thereof, a bond of a surety company, or other surety, in such reasonable sum as the Department may deem necessary to protect



adequately the interests of the public. In determining the amount of liability insurance or other surety required of a carrier pursuant to this subsection, the Department shall create a separate category for vehicles with a manufacturer's gross vehicle weight rating of less than 26,000 pounds and impose a lesser requirement with respect to such vehicles.

3. The liability insurance policy or certificate, policy or bond of a surety company or other surety must bind the obligors thereunder to pay the compensation for injuries to persons or for loss or damage to property resulting from the negligent operation of the carrier.

4. The ~~{Authority}~~ *Commission* and the Department may jointly prescribe by regulation the respective amounts and forms required by subsections 1 and 2.

Sec. 72. NRS 706.296 is hereby amended to read as follows:

706.296 Every common and contract motor carrier who engages in transportation intrastate and the collection of the purchase price of goods sold by the shipper to the consignee shall provide a bond, to be filed with the ~~{Authority}~~ *Commission*, for the benefit of the shipper in an amount which the ~~{Authority}~~ *Commission* deems reasonably sufficient as an aggregate but not to exceed \$1,000, to insure the shipper against any loss of the moneys so collected by the carrier through misappropriation, negligence or other defalcations.

Sec. 73. NRS 706.303 is hereby amended to read as follows:

706.303 The ~~{Authority}~~ *Commission* shall adopt regulations requiring all operators of horse-drawn vehicles subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each such vehicle. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one accident, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, \$500,000; and

(c) For injury to or destruction of property in any one accident, \$50,000;  
or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one accident, \$500,000.

Sec. 74. NRS 706.305 is hereby amended to read as follows:

706.305 The ~~{Authority}~~ *Commission* shall adopt regulations requiring all operators of taxicabs subject to its regulation and supervision to maintain a contract of insurance against liability for injury to persons and damage to property for each taxicab. The amounts of coverage required by the regulations:

1. Must not exceed a total of:

(a) For bodily injury to or the death of one person in any one accident, \$250,000;

(b) Subject to the limitations of paragraph (a), for bodily injury to or death of two or more persons in any one accident, \$500,000; and

(c) For injury to or destruction of property in any one accident, \$50,000; or

2. Must not exceed a combined single-limit for bodily injury to one or more persons and for injury to or destruction of property in any one accident, \$500,000.

Sec. 75. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the ~~[Authority.]~~ *Commission*:

(a) Within a time to be fixed by the ~~[Authority.]~~ *Commission*, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. Every operator of a tow car shall file with the ~~[Authority.]~~ *Commission*:

(a) Within a time to be fixed by the ~~[Authority.]~~ *Commission*, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the ~~[Authority.]~~ *Commission*, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The ~~[Authority.]~~ *Commission*, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives

written notice to the [Authority] *Commission* 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the [Authority] *Commission*.

4. The [Authority] *Commission* may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, *may* make such changes as may be just and reasonable.

5. The [Authority] *Commission* may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the [Authority] *Commission* are in force, and are prima facie lawful, from the date of the order until changed or modified by the [Authority, or pursuant to NRS 706.2883.] *Commission*.

7. All regulations, practices and service prescribed by the [Authority] *Commission* must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the [Authority] *Commission* itself upon satisfactory showing made.

Sec. 76. NRS 706.323 is hereby amended to read as follows:

706.323 1. Except as otherwise provided in subsection 2, the [Authority] *Commission* may not investigate, suspend, revise or revoke any rate that is subject to the approval of the [Authority] *Commission* pursuant to NRS 706.321 and proposed by a common motor carrier or contract motor carrier because the rate is too high or too low and therefore unreasonable if:

(a) The motor carrier notifies the [Authority] *Commission* that it wishes to have the rate reviewed by the [Authority] *Commission* pursuant to this subsection; and

(b) The rate resulting from all increases or decreases within 1 year is not more than 10 percent above or 10 percent below the rate in effect 1 year before the effective date of the proposed rate.

2. This section does not limit the authority of the ~~[Transportation Services Authority]~~ *Commission* to investigate, suspend, revise or revoke a proposed rate if the rate would violate the provisions of NRS 706.151.

Sec. 77. NRS 706.326 is hereby amended to read as follows:

706.326 1. Whenever there is filed with the [Authority] *Commission* pursuant to NRS 706.321 any schedule or tariff stating a new or revised individual or joint rate, fare or charge, or any new or revised individual or joint regulation or practice affecting any rate, fare or charge, or any schedule or tariff resulting in a discontinuance, modification or restriction of service, the [Authority] *Commission* may commence an investigation or, upon reasonable notice, hold a hearing concerning the propriety of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice.

2. Pending the investigation or hearing and the decision thereon, the ~~[Authority]~~ *Commission*, upon delivering to the common or contract motor carrier affected thereby a statement in writing of its reasons for the suspension, may suspend the operation of the schedule or tariff and defer the use of the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice, but not for a longer period than 150 days beyond the time when the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice would otherwise go into effect.

3. After full investigation or hearing, whether completed before or after the date upon which the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice is to go into effect, the ~~[Authority]~~ *Commission* may make such order in reference to the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, discontinuance, modification, restriction or practice has become effective.

4. The ~~[Authority]~~ *Commission* shall determine whether it is necessary to hold a hearing to consider the proposed change in any schedule stating a new or revised individual or joint rate, fare or charge. In making that determination, the ~~[Authority]~~ *Commission* shall consider all timely written protests, any presentation the staff of the ~~[Authority]~~ *Commission* may desire to present, the application and any other matters deemed relevant by the ~~[Authority]~~ *Commission*.

Sec. 78. NRS 706.331 is hereby amended to read as follows:

706.331 1. If, after due investigation and hearing, any authorized rates, tolls, fares, charges, schedules, tariffs, joint rates or any regulation, measurement, practice, act or service that is subject to the approval of the ~~[Authority]~~ *Commission* is complained of and is found to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it is found that the service is inadequate, or that any reasonable service cannot be obtained, the ~~[Authority]~~ *Commission* may substitute therefor such other rates, tolls, fares, charges, tariffs, schedules or regulations, measurements, practices, service or acts and make an order relating thereto as may be just and reasonable.

2. When complaint is made of more than one matter, the ~~[Authority]~~ *Commission* may order separate hearings upon the several matters complained of at such times and places as it may prescribe.

3. No complaint may at any time be dismissed because of the absence of direct damage to the complainant.

4. The ~~[Authority]~~ *Commission* may at any time, upon its own motion, investigate any of the matters listed in subsection 1 ~~[ ]~~ and, after a full hearing, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

Sec. 79. NRS 706.341 is hereby amended to read as follows:

706.341 1. An operator of a tow car shall, in the manner prescribed by the ~~{Authority}~~ *Commission*, notify the ~~{Authority}~~ *Commission* if the operator discontinues providing towing services from an operating terminal or establishes a new operating terminal from which a tow car provides towing services within 30 days after the operator discontinues providing towing services from an operating terminal or commences operations at the new terminal.

2. A common motor carrier, other than an operator of a tow car, authorized to operate by NRS 706.011 to 706.791, inclusive, shall not discontinue any service established pursuant to the provisions of NRS 706.011 to 706.791, inclusive, and all other laws relating thereto and made applicable thereto by NRS 706.011 to 706.791, inclusive, without an order of the ~~{Authority}~~ *Commission* granted only after public notice or hearing in the event of protest.

Sec. 80. NRS 706.346 is hereby amended to read as follows:

706.346 1. Except as otherwise provided in subsection 3, a copy, or so much of the schedule or tariff as the ~~{Authority}~~ *Commission* determines necessary for the use of the public, must be printed in plain type and posted in every office of a common motor carrier where payments are made by customers or users, open to the public, in such form and place as to be readily accessible to the public and conveniently inspected.

2. Except as otherwise provided in subsection 3, when a schedule or tariff of joint rates or charges is or may be in force between two or more common motor carriers or between any such carrier and a public utility, the schedule or tariff must be printed and posted in the manner prescribed in subsection 1.

3. Only the rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle must be printed and posted by an operator of a tow car pursuant to subsections 1 and 2.

Sec. 81. NRS 706.351 is hereby amended to read as follows:

706.351 1. It is unlawful for:

(a) A fully regulated carrier to furnish any pass, frank, free or reduced rates for transportation to any state, city, district, county or municipal officer of this State or to any person other than those specifically enumerated in this section.

(b) Any person other than those specifically enumerated in this section to receive any pass, frank, free or reduced rates for transportation.

2. This section does not prevent the carriage, storage or hauling free or at reduced rates of passengers or property for charitable organizations or purposes for the United States, the State of Nevada or any political subdivision thereof.

3. This chapter does not prohibit a fully regulated common carrier from giving free or reduced rates for transportation of persons to:

(a) Its own officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by it, and members of their families.

(b) Inmates of hospitals or charitable institutions and persons over 60 years of age.

(c) Persons who are physically handicapped or mentally handicapped and who present a written statement from a physician to that effect.

(d) Persons injured in accidents or wrecks and physicians and nurses attending such persons.

(e) Persons providing relief in cases of common disaster.

(f) Attendants of livestock or other property requiring the care of an attendant, who must be given return passage to the place of shipment, if there is no discrimination among shippers of a similar class.

(g) Officers, agents, employees or members of any profession licensed under title 54 of NRS, together with members of their families, who are employed by or affiliated with other common carriers, if there is an interchange of free or reduced rates for transportation.

(h) Indigent, destitute or homeless persons when under the care or responsibility of charitable societies, institutions or hospitals, together with the necessary agents employed in such transportation.

(i) Students of institutions of learning, including, without limitation, homeless students, whether the free or reduced rate is given directly to a student or to the board of trustees of a school district on behalf of a student.

(j) Groups of persons participating in a tour for a purpose other than transportation.

4. This section does not prohibit common motor carriers from giving free or reduced rates for the transportation of property of:

(a) Their officers, commission agents or employees, or members of any profession licensed under title 54 of NRS retained by them, or pensioned or disabled former employees, together with that of their dependents.

(b) Witnesses attending any legal investigations in which such carriers are interested.

(c) Persons providing relief in cases of common disaster.

(d) Charitable organizations providing food and items for personal hygiene to needy persons or to other charitable organizations within this State.

5. This section does not prohibit the ~~[Authority]~~ *Commission* from establishing reduced rates, fares or charges for specified routes or schedules of any common motor carrier providing transit service if the reduced rates, fares or charges are determined by the ~~[Authority]~~ *Commission* to be in the public interest.

6. Only fully regulated common carriers may provide free or reduced rates for the transportation of passengers or household goods, pursuant to the provisions of this section.

7. As used in this section, "employees" includes:

- (a) Furloughed, pensioned and superannuated employees.
- (b) Persons who have become disabled or infirm in the service of such carriers.

(c) Persons who are traveling to enter the service of such a carrier.

Sec. 82. NRS 706.371 is hereby amended to read as follows:

706.371 The ~~[Authority]~~ *Commission* may regulate and fix the maximum number of contracts and the minimum carrying charges of all intrastate contract motor carriers, and conduct hearings, make and enter necessary orders and enforce the same with respect thereto in the same manner and form as is now or may hereafter be provided by law for the regulation of the rates, charges and services of common motor carriers.

Sec. 83. NRS 706.386 is hereby amended to read as follows:

706.386 It is unlawful, except as otherwise provided in NRS 373.117, 706.446, 706.453 and 706.745, for any fully regulated common motor carrier to operate as a carrier of intrastate commerce and any operator of a tow car to perform towing services within this State without first obtaining a certificate of public convenience and necessity from the ~~[Authority]~~ *Commission*.

Sec. 84. NRS 706.391 is hereby amended to read as follows:

706.391 1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a common motor carrier, other than an operator of a tow car, or an application for modification of such a certificate, the ~~[Authority]~~ *Commission* shall fix a time and place for a hearing on the application.

2. The ~~[Authority]~~ *Commission* shall grant the certificate or modification if it finds that:

(a) The applicant is financially and operationally fit, willing and able to perform the services of a common motor carrier and that the operation of, and the provision of such services by, the applicant as a common motor carrier will foster sound economic conditions within the applicable industry;

(b) The proposed operation or the proposed modification will be consistent with the legislative policies set forth in NRS 706.151;

(c) The granting of the certificate or modification will not ~~unreasonably and~~ adversely affect other carriers operating in the territory for which the certificate or modification is sought;

(d) The proposed operation or the proposed modification will benefit and protect the safety and convenience of the traveling and shipping public and the motor carrier business in this State;

(e) The proposed operation, or service under the proposed modification, will be provided on a continuous basis; *and*

(f) The market identified by the applicant as the market which the applicant intends to serve will support the proposed operation or proposed modification. ~~[-and~~

~~(g) The applicant has paid all fees and costs related to the application.~~

~~3. The Authority shall not find that the potential creation of competition in a territory which may be caused by the granting of the certificate or~~

modification, by itself, will unreasonably and adversely affect other carriers operating in the territory for the purposes of paragraph (c) of subsection 2.]

3. *The Commission shall assess to the applicant an amount equal to the actual investigative and administrative costs relating to processing the application.*

4. In determining whether the applicant is fit to perform the services of a common motor carrier pursuant to paragraph (a) of subsection 2, the [Authority] Commission shall consider whether the applicant has violated any provision of this chapter or any regulations adopted pursuant thereto.

5. The applicant for the certificate or modification:

(a) Has the burden of proving to the [Authority] Commission that the proposed operation will meet the requirements of subsection 2; and

(b) Must pay the amounts billed to the applicant by the [Authority] Commission for the costs incurred by the [Authority] Commission in conducting any investigation regarding the applicant and the application.

6. The [Authority] Commission may issue or modify a certificate of public convenience and necessity to operate as a common motor carrier, or issue or modify it for:

(a) The exercise of the privilege sought.

(b) The partial exercise of the privilege sought.

7. The [Authority] Commission may attach to the certificate such terms and conditions as, in its judgment, the public interest may require.

8. The [Authority] Commission may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate or modification.

Sec. 85. NRS 706.396 is hereby amended to read as follows:

706.396 Any person who, after hearing, has been denied a certificate of public convenience and necessity to operate as a carrier must not be permitted again to file a similar application with the [Authority] Commission covering the same type of service and over the same route or routes or in the same territory for which the certificate of public convenience and necessity was denied except after the expiration of 180 days after the date the certificate of public convenience and necessity was denied.

Sec. 86. NRS 706.398 is hereby amended to read as follows:

706.398 The [Authority] Commission:

1. Shall revoke or suspend, pursuant to the provisions of this chapter, the certificate of public convenience and necessity of a common motor carrier which has failed to:

(a) File the annual report required by NRS 706.167 within 60 days after the report is due; or

(b) Operate as a carrier of intrastate commerce in this State under the terms and conditions of its certificate,

➡ unless the carrier has obtained the prior permission of the [Authority] Commission.



2. May revoke or suspend, pursuant to the provisions of NRS 706.2885, the certificate of public convenience and necessity of a common motor carrier which has failed to comply with any provision of this chapter or any regulation of the ~~[Authority]~~ *Commission* adopted pursuant thereto.

Sec. 87. NRS 706.411 is hereby amended to read as follows:

706.411 Every order refusing or granting any certificates of public convenience and necessity, or granting or refusing permission to discontinue, modify or restrict service is prima facie lawful from the date of the order until changed or modified by the order of the ~~[Authority]~~ *Commission* pursuant to the provisions of this chapter.

Sec. 88. NRS 706.426 is hereby amended to read as follows:

706.426 An application for a permit for a new operation as a contract motor carrier ~~[shall]~~ *must* be:

1. Made to the ~~[Authority]~~ *Commission* in writing.
2. In such form and be accompanied by such information as the ~~[Authority]~~ *Commission* may require.

Sec. 89. NRS 706.431 is hereby amended to read as follows:

706.431 1. A permit may be issued to any applicant therefor, authorizing in whole or in part the operation covered by the application, if it appears from the application or from any hearing held thereon that:

(a) The applicant is fit, willing and able properly to perform the service of a contract motor carrier and to conform to all provisions of NRS 706.011 to 706.791, inclusive, and the regulations adopted thereunder; and

(b) The proposed operation will be consistent with the public interest and will not operate to defeat the legislative policy set forth in NRS 706.151.

2. An application must be denied if the provisions of subsection 1 are not met.

3. The ~~[Authority]~~ *Commission* shall revoke or suspend pursuant to the provisions of this chapter the permit of a contract motor carrier who has failed to file the annual report required ~~[in]~~ *by* NRS 706.167 within 60 days after the report is due.

4. The ~~[Authority]~~ *Commission* shall adopt regulations providing for a procedure by which any contract entered into by a contract motor carrier after he has been issued a permit pursuant to this section may be approved by the ~~[Authority]~~ *Commission* without giving notice required by statute or by a regulation of the ~~[Authority]~~ *Commission*.

Sec. 90. NRS 706.436 is hereby amended to read as follows:

706.436 Any person who has been denied a permit to act as a contract motor carrier after hearing may not file a similar application with the ~~[Authority]~~ *Commission* covering the same type of service and over the same route or routes or in the same territory for which the permit was denied except after the expiration of 180 days after the date the permit was denied.

Sec. 91. NRS 706.442 is hereby amended to read as follows:

706.442 Any person engaging in the intrastate transportation or storage of household goods shall comply with the following requirements:

1. Upon the request of a person seeking service, the carrier of household goods shall provide the person with a written, binding estimate of the cost of providing the requested service.

2. The charges assessed for the service rendered may not exceed the amount in the written estimate, unless the customer requested services in addition to those included in the written estimate and agreed to pay additional charges.

3. If the person for whom service was provided pays any amount consistent with the provisions of subsection 2, the provider of service shall release immediately any household goods that were transported or stored to that person.

4. If a person requesting service alleges that any household goods were damaged or lost, the person that provided the service shall:

- (a) Attempt to resolve the dispute; and
- (b) Identify the carrier of his insurance and explain the procedures to file a claim.

5. The provider of service shall advise all persons for whom service is to be performed of their right to file a complaint with the ~~[Authority]~~ *Commission* and provide the address and telephone number of the nearest business office of the ~~[Authority]~~ *Commission*.

6. Any other terms and conditions which the ~~[Authority]~~ *Commission* may by regulation prescribe to protect the public.

Sec. 92. NRS 706.443 is hereby amended to read as follows:

706.443 1. The provisions of NRS 706.442 apply whether or not the person providing the service has received authority to operate from the ~~[Authority]~~ *Commission*.

2. The ~~[Authority]~~ *Commission* shall enforce the provisions of NRS 706.442 and consider complaints regarding violations of the provisions of that section pursuant to the provisions of this chapter. In addition to any other remedies, the ~~[Authority]~~ *Commission* may order the release of any household goods that are being held by the provider of service subject to the terms and conditions that the ~~[Authority]~~ *Commission* determines to be appropriate and may order the refund of overcharges.

3. The ~~[Authority]~~ *Commission* may use the remedies provided in NRS 706.457, 706.461, 706.756, 706.761, 706.771 and 706.779 and any other remedy available under other law.

4. The ~~[Authority]~~ *Commission* shall adopt regulations regarding the administration and enforcement of this section and NRS 706.442.

Sec. 93. NRS 706.445 is hereby amended to read as follows:

706.445 The ~~[Authority]~~ *Commission* may not regulate the:

- 1. Geographical area in which towing services are provided;
- 2. Types of towing services that are provided; or
- 3. Rates and charges assessed or the terms and conditions imposed for towing services performed with the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle,

↪ by an operator of a tow car.

Sec. 94. NRS 706.446 is hereby amended to read as follows:

706.446 The provisions of this chapter do not require an operator of a tow car who provides towing for a licensed motor club regulated pursuant to chapter 696A of NRS to obtain a certificate of public convenience and necessity or to comply with the regulations or rates adopted by the ~~[Authority]~~ *Commission* to provide that towing.

Sec. 95. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the ~~[Authority]~~ *Commission* before he provides any services other than those services which he provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must file an application with the ~~[Authority]~~ *Commission*.

3. The ~~[Authority]~~ *Commission* shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the ~~[Authority]~~ *Commission* pursuant to the provisions of this chapter;

(c) Has provided evidence that he has filed with the ~~[Authority]~~ *Commission* a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that he has filed with the ~~[Authority]~~ *Commission* schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the ~~[Authority]~~ *Commission* that the proposed operation will meet the requirements of subsection 3.

5. The ~~[Authority]~~ *Commission* may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the ~~[Authority]~~ *Commission*; or

(b) The ~~[Authority]~~ *Commission* finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it

cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 96. NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified pursuant to the provisions of NRS 706.011 to 706.791, inclusive, but no such transfer is valid for any purpose until a joint application to make the transfer is made to the ~~[Authority]~~ *Commission* by the transferor and the transferee ~~[,]~~ and the ~~[Authority]~~ *Commission* has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate operator of a tow car subject to the jurisdiction of the ~~[Authority]~~ *Commission* is valid without the prior approval of the ~~[Authority]~~ *Commission* if the effect of the transfer would be to change the corporate control of the operator of a tow car or if a transfer of 15 percent or more of the common stock of the operator of a tow car is proposed.

2. The ~~[Authority]~~ *Commission* shall approve an application filed with it pursuant to subsection 1 if it determines that the transferee:

(a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, and the regulations adopted by the ~~[Authority]~~ *Commission* pursuant to those provisions;

(b) Uses equipment that is in compliance with the regulations adopted by the ~~[Authority]~~ *Commission*;

(c) Has provided evidence that he has filed with the ~~[Authority]~~ *Commission* a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that he has filed with the ~~[Authority]~~ *Commission* schedules and tariffs pursuant to NRS 706.321 which contain rates and charges and the terms and conditions that the operator of the tow car requires to perform towing services without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which do not exceed the rates and charges that the transferor was authorized to assess for the same services.

3. The ~~[Authority]~~ *Commission* may hold a hearing concerning an application submitted pursuant to this section only if:

(a) Upon the expiration of the time fixed in the notice that an application for transfer of a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the ~~[Authority]~~ *Commission*; or

(b) The ~~[Authority]~~ *Commission* finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 2.

4. The ~~[Authority]~~ *Commission* shall not hold a hearing on an application submitted pursuant to this section if the application is made to transfer the certificate of public convenience and necessity from a natural person or

partners to a corporation whose controlling stockholders will be substantially the same person or partners.

5. The approval by the ~~[Authority]~~ *Commission* of an application for transfer of a certificate of public convenience and necessity of an operator of a tow car is not valid after the expiration of the term for the transferred certificate.

Sec. 97. NRS 706.4468 is hereby amended to read as follows:

706.4468 1. Each operator of a tow car shall file its charges for preparing or satisfying a lien to which the operator is entitled against a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle. The ~~[Authority]~~ *Commission* may investigate any charge filed pursuant to this subsection and revise the charge as necessary to ensure that the charge is reasonable.

2. An operator of a tow car may not impose a charge or any part of a charge filed pursuant to subsection 1 unless the operator:

- (a) Has initiated the procedure by which a person may satisfy a lien; and
- (b) Stores the vehicle for at least 96 hours.

3. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for at least 96 hours but not more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the ~~[Authority]~~ *Commission* pursuant to subsection 1 for preparing or satisfying a lien.

4. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the ~~[Authority]~~ *Commission* pursuant to subsection 1 for preparing or satisfying a lien in addition to the amount charged pursuant to subsection 3.

Sec. 98. NRS 706.4473 is hereby amended to read as follows:

706.4473 The operator shall inform each owner, or agent of the owner, of a towed motor vehicle that the owner or agent may file a complaint with the ~~[Authority]~~ *Commission* regarding any violation of the provisions of this chapter.

Sec. 99. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The ~~[Authority]~~ *Commission* shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. In addition to any other remedies that may be available to the ~~[Authority]~~ *Commission* to act upon complaints, the ~~[Authority]~~ *Commission* may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the ~~[Authority]~~ *Commission* determines to be appropriate.

Sec. 100. NRS 706.4485 is hereby amended to read as follows:

706.4485 1. A law enforcement agency that maintains and uses a list of operators of tow cars which are called by that agency to provide towing shall not include an operator of a tow car on the list unless he:

(a) Holds a certificate of public convenience and necessity issued by the ~~[Authority]~~ *Commission*.

(b) Complies with all applicable provisions of this chapter and chapters 482 and 484 of NRS.

(c) Agrees to respond in a timely manner to requests for towing made by the agency.

(d) Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

(e) Complies with all standards the law enforcement agency may adopt to protect the health, safety and welfare of the public.

(f) Assesses only rates and charges that have been approved by the ~~[Authority]~~ *Commission* for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle.

2. The ~~[Authority]~~ *Commission* shall not require that an operator of a tow car charge the same rate to law enforcement agencies for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle that the operator charges to other persons for such services.

3. Except as otherwise provided in this subsection, if an operator of a tow car is included on a list of operators of tow cars that is maintained and used by the Nevada Highway Patrol pursuant to this section, the Nevada Highway Patrol shall not remove the operator of the tow car from the list, or restrict his use pursuant thereto, solely on the ground that the operator is insured under the same policy of insurance as one other operator of a tow car who is included on the list and operates in the same geographical area. An operator of a tow car is not eligible for inclusion on the list if the operator is insured under the same policy of insurance as two or more other operators of tow cars who are included on the list and operate in the same geographical area.

Sec. 101. NRS 706.449 is hereby amended to read as follows:

706.449 The ~~[Authority]~~ *Commission* may impose an administrative fine pursuant to subsection 2 of NRS 706.771 on the owner or operator of a tow car who fails to pay in a timely manner any charge required to be paid by subsection 2 of NRS 484.631.

Sec. 102. NRS 706.451 is hereby amended to read as follows:

706.451 1. Each owner or operator of a tow car subject to the jurisdiction of the ~~[Authority]~~ *Commission* shall, before commencing to operate or continuing operation after July 1, 1971, and annually thereafter, pay to the ~~[Authority]~~ *Commission* for each tow car operated ~~[ ]~~ a fee of not more than \$36.

2. The fee provided in this section must be paid on or before January 1 of each year.

3. The initial fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year before July 1, 1971, for those tow cars lawfully operating on that date or before the commencement of operation of each tow car commencing operation after July 1, 1971.

4. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 103. NRS 706.457 is hereby amended to read as follows:

706.457 The ~~[Authority]~~ *Commission* may by subpoena require any person believed by it to be subject to any of the provisions of NRS 706.011 to 706.791, inclusive, who has not obtained a required certificate of public convenience and necessity or a required permit issued in accordance with those sections, to appear before it with all of his relevant books, papers and records and to testify concerning the scope, nature and conduct of his business.

Sec. 104. NRS 706.458 is hereby amended to read as follows:

706.458 1. The district court in and for the county in which any investigation or hearing is being conducted by the ~~[Authority]~~ *Commission* pursuant to the provisions of this chapter may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the ~~[Authority]~~ *Commission*.

2. If any witness refuses to attend or testify or produce any papers required by such subpoena, the ~~[Authority]~~ *Commission* may report to the district court in and for the county in which the investigation or hearing is pending, by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him in the course of such investigation or hearing,

➡ and asking an order of the court compelling the witness to attend and testify or produce the books or papers.

3. The court, upon petition of the ~~[Authority]~~ *Commission*, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days ~~[from]~~ *after* the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the ~~[Authority]~~ *Commission*. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued, the court shall thereupon enter an order that the witness appear at the time and place fixed in the order and testify or produce the required books or

papers, and upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 105. NRS 706.461 is hereby amended to read as follows:

706.461 When:

1. A complaint has been filed with the ~~[Authority]~~ *Commission* alleging that any vehicle is being operated without a certificate of public convenience and necessity or contract carrier's permit as required by NRS 706.011 to 706.791, inclusive; or

2. The ~~[Authority]~~ *Commission* has reason to believe that any:

(a) Person is advertising to provide:

(1) The services of a fully regulated carrier in intrastate commerce; or

(2) Towing services,

↪ without including the number of his certificate of public convenience and necessity or permit in each advertisement; or

(b) Provision of NRS 706.011 to 706.791, inclusive, is being violated,

↪ the ~~[Authority]~~ *Commission* shall investigate the operations or advertising and may, after a hearing, order the owner or operator of the vehicle or the person advertising to cease and desist from any operation or advertising in violation of NRS 706.011 to 706.791, inclusive. The ~~[Authority]~~ *Commission* shall enforce compliance with the order pursuant to the powers vested in the ~~[Authority]~~ *Commission* by NRS 706.011 to 706.791, inclusive, or by other law.

Sec. 106. NRS 706.465 is hereby amended to read as follows:

706.465 1. An operator of a limousine shall, beginning on July 1, 2003, and on July 1 of each year thereafter, pay to the ~~[Authority]~~ *Commission* a fee of \$100 for each limousine that the ~~[Authority]~~ *Commission* has authorized the operator to operate.

2. As used in this section, "limousine" includes:

(a) A livery limousine; and

(b) A traditional limousine.

Sec. 107. NRS 706.471 is hereby amended to read as follows:

706.471 1. Each taxicab motor carrier shall, before commencing the operation defined in NRS 706.126 and annually thereafter, pay to the ~~[Authority]~~ *Commission* for each taxicab which it operates, including each taxicab it leases pursuant to NRS 706.473, a fee of not more than \$75 as determined by a regulation of the ~~[Authority]~~ *Commission*.

2. The fee provided in this section must be paid on or before January 1 of each year.

3. The initial fee must be reduced one-twelfth for each month which has elapsed since the beginning of the calendar year in which operation is begun.

4. Any person who fails to pay any fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 108. NRS 706.473 is hereby amended to read as follows:



706.473 1. In a county whose population is less than 400,000, a person who holds a certificate of public convenience and necessity which was issued for the operation of a taxicab business may, upon approval from the ~~[Authority]~~ *Commission*, lease a taxicab to an independent contractor who does not hold a certificate of public convenience and necessity. A person may lease only one taxicab to each independent contractor with whom he enters into a lease agreement. The taxicab may be used only in a manner authorized by the lessor's certificate of public convenience and necessity.

2. A person who enters into a lease agreement with an independent contractor pursuant to this section shall submit a copy of the agreement to the ~~[Authority]~~ *Commission* for its approval. The agreement is not effective until approved by the ~~[Authority]~~ *Commission*.

3. A person who leases a taxicab to an independent contractor is jointly and severally liable with the independent contractor for any violation of the provisions of this chapter or the regulations adopted pursuant thereto, and shall ensure that the independent contractor complies with such provisions and regulations.

4. The ~~[Authority]~~ *Commission* or any of its employees may intervene in a civil action involving a lease agreement entered into pursuant to this section.

Sec. 109. NRS 706.475 is hereby amended to read as follows:

706.475 1. The ~~[Authority]~~ *Commission* shall adopt such regulations as are necessary to:

- (a) Carry out the provisions of NRS 706.473; and
- (b) Ensure that the taxicab business remains safe, adequate and reliable.

2. Such regulations must include, without limitation:

- (a) The minimum qualifications for an independent contractor;
- (b) Requirements related to liability insurance;
- (c) Minimum safety standards; and
- (d) The procedure for approving a lease agreement and the provisions that must be included in a lease agreement concerning the grounds for the revocation of such approval.

Sec. 110. NRS 706.476 is hereby amended to read as follows:

706.476 Except as otherwise provided in NRS 706.478:

1. A vehicle used as a taxicab, limousine or other passenger vehicle in passenger service, *a vehicle operated as a tow car or a vehicle used to transport household goods* must be impounded by the ~~[Authority]~~ *Commission* if a certificate of public convenience and necessity has not been issued authorizing its operation. A hearing must be held by the ~~[Authority]~~ *no Transportation Hearing Commissioner or other designated hearing officer* not later than the conclusion of the second normal business day after impoundment, weekends and holidays excluded. As soon as practicable after impoundment, the ~~[Authority]~~ *Commission* shall notify the registered owner of the vehicle:

(a) That the registered owner of the vehicle must post a bond in the amount of \$20,000 to ensure his presence at all proceedings held pursuant to this section;

(b) Of the time set for the hearing; and

(c) Of his right to be represented by counsel during all phases of the proceedings.

2. The ~~{Authority}~~ *Commission* shall hold the vehicle until the registered owner of the vehicle appears and:

(a) Proves that he is the registered owner of the vehicle;

(b) Proves that he holds a valid certificate of public convenience and necessity;

(c) Proves that the vehicle meets all required standards of the ~~{Authority}~~ *Commission*; and

(d) Posts a bond in the amount of \$20,000 with the ~~{Authority}~~.

↪ ~~The Authority~~ *Commission*.

↪ *The Commission* shall return the vehicle to its registered owner when the owner meets the requirements of this subsection and pays all costs of impoundment.

3. If the registered owner is unable to meet the requirements of paragraph (b) or (c) of subsection 2, the ~~{Authority}~~ *Commission* may assess an administrative fine against the registered owner for each such violation in ~~{the amount of \$5,000. The maximum amount of the administrative fine that may be assessed against a registered owner for a single impoundment of his vehicle pursuant to this section is}~~ *an amount not to exceed \$10,000*. The ~~{Authority}~~ *Commission* shall return the vehicle after any administrative fine imposed pursuant to this subsection and all costs of impoundment have been paid.

Sec. 111. NRS 706.478 is hereby amended to read as follows:

706.478 1. Notwithstanding any provision of NRS 706.011 to 706.791, inclusive, to the contrary, if the registered owner of a vehicle which is impounded pursuant to NRS 706.476 is a short-term lessor licensed pursuant to NRS 482.363 who is engaged in the business of renting or leasing vehicles in accordance with NRS 482.295 to 482.3159, inclusive, the registered owner is not liable for any administrative fine or other penalty that may be imposed by the ~~{Authority}~~ *Commission* for the operation of a passenger vehicle in violation of NRS 706.011 to 706.791, inclusive, if at the time that the vehicle was impounded ~~{}~~ the vehicle was in the care, custody or control of a lessee.

2. A short-term lessor may establish that a vehicle was subject to the care, custody or control of a lessee at the time that the vehicle was impounded pursuant to NRS 706.476 by submitting to the ~~{Authority}~~ *Commission* a true copy of the lease or rental agreement pursuant to which the vehicle was leased or rented to the lessee by the short-term lessor. The submission of a true copy of a lease or rental agreement is prima facie evidence that the vehicle was in the care, custody or control of the lessee.

3. Upon the receipt of a true copy of a written lease or rental agreement pursuant to subsection 2 which evidences that the vehicle impounded by the [Authority] Commission pursuant to NRS 706.476 was under the care, custody or control of a lessee and not the registered owner of the vehicle, the [Authority] Commission shall release the vehicle to the short-term lessor.

4. As used in this section, "short-term lessor" has the meaning ascribed to it in NRS 482.053.

Sec. 112. NRS 706.631 is hereby amended to read as follows:

706.631 The remedies of the State provided for in NRS 706.011 to 706.861, inclusive, are cumulative, and no action taken by the Department or [Authority] the Commission may be construed to be an election on the part of the State or any of its officers to pursue any remedy under NRS 706.011 to 706.861, inclusive, to the exclusion of any other remedy for which provision is made in NRS 706.011 to 706.861, inclusive.

Sec. 113. NRS 706.6411 is hereby amended to read as follows:

706.6411 1. All motor carriers, other than operators of tow cars, regulated pursuant to NRS 706.011 to 706.791, inclusive, to whom the certificates, permits and licenses provided by NRS 706.011 to 706.791, inclusive, have been issued may transfer them to another carrier, other than an operator of a tow car, qualified pursuant to NRS 706.011 to 706.791, inclusive, but no such transfer is valid for any purpose until a joint application to make the transfer has been made to the [Authority] Commission by the transferor and the transferee [;] and the [Authority] Commission has authorized the substitution of the transferee for the transferor. No transfer of stock of a corporate motor carrier subject to the jurisdiction of the [Authority] Commission is valid without the prior approval of the [Authority] Commission if the effect of the transfer would be to change the corporate control of the carrier or if a transfer of 15 percent or more of the common stock of the carrier is proposed.

2. Except as otherwise provided in subsection 3, the [Authority] Commission shall fix a time and place for a hearing to be held unless the application is made to transfer the certificate from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners, and may hold a hearing to consider such an application.

3. The [Authority] Commission may also dispense with the hearing on the joint application to transfer if, upon the expiration of the time fixed in the notice thereof, no protest against the transfer of the certificate or permit has been filed by or in behalf of any interested person.

4. In determining whether or not the transfer of a certificate of public convenience and necessity or a permit to act as a contract motor carrier should be authorized, the [Authority] Commission shall consider:

(a) The service which has been performed by the transferor and that which may be performed by the transferee.

(b) Other authorized facilities for transportation in the territory for which the transfer is sought.

(c) Whether or not the transferee is fit, willing and able to perform the services of a common or contract motor carrier by vehicle and whether or not the proposed operation would be consistent with the legislative policy set forth in NRS 706.151.

5. Upon a transfer made pursuant to this section, the ~~[Authority]~~ *Commission* may make such amendments, restrictions or modifications in a certificate or permit as the public interest may require.

6. No transfer is valid beyond the life of the certificate, permit or license transferred.

Sec. 114. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of his own equipment in his own vehicles from job to job.

(b) Any person engaged in transporting his own personal effects in his own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by him in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person ~~[.]~~ when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the ~~[Authority]~~ *Commission* to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to his actual operation as prescribed in this chapter, computed from the date when that operation began.

Sec. 115. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to ambulances or hearses.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

(a) Regular routes and fixed schedules;

(b) Nonemergency medical transportation of persons to facilitate their use of a center as defined in NRS 435.170, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of disabled persons without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the ~~Authority~~ *Commission* shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) Shall not offer medical assistance as part of its transportation service.

5. A nonprofit carrier of elderly or disabled persons is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not

exempt from inspection by the ~~[Authority]~~ *Commission* to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.

Sec. 116. NRS 706.749 is hereby amended to read as follows:

706.749 1. The ~~[Authority]~~ *Commission* may issue a permit, valid for 1 year after the date of issuance, to an employer to transport his employees between their place of work and their homes or one or more central parking areas if the employer files an application, on a form provided by the ~~[Authority]~~ *Commission*, showing:

(a) The name of the employer;

(b) The places where employees will be picked up and discharged, including the location of their place of work;

(c) Identification of each vehicle to be used and certification that it is owned or the subject of a long-term lease by the employer;

(d) That each vehicle is registered to and operated by the employer; and

(e) Any charge which will be made for the service.

2. The employer must pay a fee of \$10 for each vehicle which he will regularly use to transport his employees.

3. The employer must charge no fare for the use of the service, or no more than an amount required to amortize the cost of the vehicle and defray the cost of operating it.

4. The ~~[Authority]~~ *Commission* shall renew the permit upon receipt of a fee of \$10 per vehicle regularly used to transport employees.

Sec. 117. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, or by the ~~[Authority]~~ *Commission* or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive;

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive;

(d) Fails to obey any order, decision or regulation of the ~~[Authority]~~ *Commission* or the Department;

(e) Procures, aids or abets any person in his failure to obey such an order, decision or regulation of the ~~[Authority]~~ *Commission* or the Department;

(f) Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive;

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➡ without including the number of his certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the ~~[Authority]~~ *Commission* or the Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➡ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive

months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 118. NRS 706.758 is hereby amended to read as follows:

706.758 1. It is unlawful for any person to advertise services for which a certificate of public convenience and necessity or a contract carrier's permit is required pursuant to NRS 706.011 to 706.791, inclusive, unless the person has been issued such a certificate or permit.

2. If, after notice and a hearing, the ~~{Authority}~~ *Commission* determines that a person has engaged in advertising in a manner that violates the provisions of this section, the ~~{Authority}~~ *Commission* may, in addition to any penalty, punishment or disciplinary action authorized by the provisions of NRS 706.011 to 706.791, inclusive, issue an order to the person to cease and desist the unlawful advertising and to:

(a) Cause any telephone number included in the advertising, other than a telephone number to a provider of paging services, to be disconnected.

(b) Request the provider of paging services to change the number of any beeper which is included in the advertising or disconnect the paging services to such a beeper, and to inform the provider of paging services that the request is made pursuant to this section.

3. If a person fails to comply with paragraph (a) of subsection 2 within 5 days after the date that he receives an order pursuant to subsection 2, the ~~{Authority may request the Commission to}~~ *Commission may* order the appropriate provider of telephone service to disconnect any telephone number included in the advertisement, except for a telephone number to a provider of paging services. If a person fails to comply with paragraph (b) of subsection 2 within 5 days after the date he receives an order pursuant to subsection 2, the ~~{Authority}~~ *Commission* may request the provider of paging services to switch the beeper number or disconnect the paging services provided to the person, whichever the provider deems appropriate.

4. If the provider of paging services receives a request from a person pursuant to subsection 2 or a request from the ~~{Authority}~~ *Commission* pursuant to subsection 3, ~~it~~ *the provider of paging services* shall:



- (a) Disconnect the paging service to the person; or
- (b) Switch the beeper number of the paging service provided to the person.

➡ If the provider of paging services elects to switch the number pursuant to paragraph (b), the provider *of paging services* shall not forward or offer to forward the paging calls from the previous number, or provide or offer to provide a recorded message that includes the new beeper number.

5. As used in this section:

(a) "Advertising" includes, but is not limited to, the issuance of any sign, card or device, or the permitting or allowing of any sign or marking on a motor vehicle, in any building, structure, newspaper, magazine or airway transmission, on the Internet or in any directory under the listing of "fully regulated carrier" with or without any limiting qualifications.

(b) "Beeper" means a portable electronic device which is used to page the person carrying it by emitting an audible or a vibrating signal when the device receives a special radio signal.

(c) "Provider of paging services" means an entity, other than a public utility, that provides paging service to a beeper.

(d) "Provider of telephone service" has the meaning ascribed to it in NRS 707.355.

Sec. 119. NRS 706.761 is hereby amended to read as follows:

706.761 1. Any agent or person in charge of the books, accounts, records, minutes or papers of any private, common or contract motor carrier or broker of any of these services who refuses or fails for a period of 30 days to furnish the ~~[Authority]~~ *Commission or the Department* with any report required by either or who fails or refuses to permit any person authorized by the ~~[Authority]~~ *Commission or the Department* to inspect such books, accounts, records, minutes or papers on behalf of the ~~[Authority]~~ *Commission or the Department* is liable ~~[to]~~ *for* a penalty in a sum of not less than \$300 nor more than \$500. The penalty may be recovered ~~[in a civil action upon the complaint of the Authority or Department in any court of competent jurisdiction.]~~ *after providing notice, hearing and entry of an administrative order.*

2. Each day's refusal or failure is a separate offense, and is subject to the penalty prescribed in this section.

Sec. 120. NRS 706.766 is hereby amended to read as follows:

706.766 1. It is unlawful for any fully regulated carrier or operator of a tow car to charge, demand, collect or receive a greater or less compensation for any service performed by it within this State or for any service in connection therewith than is specified in its fare, rates, joint rates, charges or rules and regulations on file with the ~~[Authority.]~~ *Commission*, or to demand, collect or receive any fare, rate or charge not specified. The rates, tolls and charges named therein are the lawful rates, tolls and charges until they are changed as provided in this chapter.

2. It is unlawful for any fully regulated carrier or operator of a tow car to grant any rebate, concession or special privilege to any person which, directly or indirectly, has or may have the effect of changing the rates, tolls, charges or payments.

3. Any violation of the provisions of this section subjects the violator to the penalty prescribed in NRS 706.761.

Sec. 121. NRS 706.771 is hereby amended to read as follows:

706.771 1. Any person , or any agent or employee thereof, who violates any provision of this chapter, any lawful regulation of the [Authority] Commission or any lawful tariff on file with the [Authority] Commission or who fails, neglects or refuses to obey any lawful order of the [Authority] Commission or any court order for whose violation a civil penalty is not otherwise prescribed is liable to a penalty of not more than \$10,000 for any violation. The penalty may be recovered in a civil action upon the complaint of the [Authority] Commission in any court of competent jurisdiction.

2. If the [Authority] Commission does not bring an action to recover the penalty prescribed by subsection 1, the [Authority] Commission may impose an administrative fine of not more than \$10,000 for any violation of a provision of this chapter or any rule, regulation or order adopted or issued by the [Authority] Commission or the Department pursuant to the provisions of this chapter. A fine imposed by the [Authority] Commission may be recovered by the [Authority] Commission only after notice is given and a hearing is held pursuant to the provisions of chapter 233B of NRS.

3. All administrative fines imposed and collected by the [Authority] Commission pursuant to subsection 2 are payable to the State Treasurer and must be credited to a separate account to be used by the [Authority] Commission to enforce the provisions of this chapter.

4. A penalty or fine recovered pursuant to this section is not a cost of service for purposes of rate making.

Sec. 122. NRS 706.776 is hereby amended to read as follows:

706.776 1. The owner or operator of a motor vehicle to which any provisions of NRS 706.011 to 706.861, inclusive, apply carrying passengers or property on any highway in the State of Nevada shall not require or permit any driver of the motor vehicle to drive it in any one period longer than the time permitted for that period by the order of the [Authority] Commission or the Department.

2. In addition to other persons so required, the Labor Commissioner shall enforce the provisions of this section.

Sec. 123. NRS 706.779 is hereby amended to read as follows:

706.779 The [Authority] Commission and its inspectors may, upon halting a person for a violation of the provisions of NRS 706.386 or 706.421, move his vehicle or cause it to be moved to the nearest garage or other place of safekeeping until it is removed in a manner which complies with the provisions of this chapter.

Sec. 124. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, for the prevention and punishment of any violation of the provisions thereof and of all orders of the ~~[Authority]~~ *Commission* or the Department, the ~~[Authority]~~ *Commission* or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, and with the orders of the ~~[Authority]~~ *Commission* or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 125. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, apply to any county:

(a) Whose population is 400,000 or more; or  
(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* do not apply.

Sec. 126. NRS 706.8813 is hereby amended to read as follows:

706.8813 "Certificate holder" means a person who holds a current certificate of public convenience and necessity which was issued for the operation of a taxicab business by:

1. The Public Service Commission of Nevada before July 1, 1981, and which has not been transferred, revoked or suspended by ~~{the Transportation Services Authority}~~ the Taxicab Authority or the Public Utilities Commission of Nevada, or by operation of law; or

2. The Taxicab Authority and which has not been transferred, revoked or suspended by the Taxicab Authority or by operation of law.

Sec. 127. NRS 706.8818 is hereby amended to read as follows:

706.8818 1. The Taxicab Authority, consisting of five members appointed by the Governor, is hereby created. Except as otherwise provided in NRS 232A.020, the term of each member is 3 years and no member may serve for more than 6 years. No more than three members may be members of the same political party, and no elected officer of the State or any political subdivision is eligible for appointment.

2. Each member of the Taxicab Authority is entitled to receive a salary of not more than \$80, as fixed by the Authority, for each day actually employed on work of the Authority.

3. While engaged in the business of the Taxicab Authority, each member and employee of the Authority is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. The Taxicab Authority shall maintain its principal office in the county or area of the State where it performs most of its regulatory activity.

5. The Taxicab Authority may adopt appropriate regulations for the administration and enforcement of NRS 706.881 to 706.885, inclusive, and, as it may deem necessary, for the conduct of the taxicab business and for the qualifications of and the issuance of permits to taxicab drivers, not inconsistent with the provisions of NRS 706.881 to 706.885, inclusive. The regulations may include different provisions to allow for differences among the counties to which NRS 706.881 to 706.885, inclusive, apply. Local law enforcement agencies and the Nevada Highway Patrol, upon request of the Authority, may assist in enforcing the provisions of NRS 706.881 to 706.885, inclusive, and regulations adopted pursuant thereto.

6. Except to the extent of any inconsistency with the provisions of NRS 706.881 to 706.885, inclusive, every regulation and order issued by the ~~[Transportation Services Authority]~~ *Public Utilities Commission of Nevada* remains effective in a county to which those sections apply until modified or rescinded by the Taxicab Authority, and must be enforced by the Taxicab Authority.

Sec. 128. NRS 706.8819 is hereby amended to read as follows:

706.8819 1. The Taxicab Authority shall conduct hearings and make final decisions in the following matters:

(a) Applications to adjust, alter or change the rates, charges or fares for taxicab service;

(b) Applications for certificates of public convenience and necessity to operate a taxicab service;

(c) Applications requesting authority to transfer any existing interest in a certificate of public convenience and necessity or in a corporation that holds a certificate of public convenience and necessity to operate a taxicab business;

(d) Applications to change the total number of allocated taxicabs in a county to which NRS 706.881 to 706.885, inclusive, apply; and

(e) Appeals from final decisions of the Administrator made pursuant to NRS 706.8822.

2. *Any person who is aggrieved by any act or failure to act by the Taxicab Authority is entitled to judicial review of the act or failure to act in the manner provided by chapter 233B of NRS. An appeal from the final decision of the Taxicab Authority must be made to the ~~[Transportation Services Authority]~~ district court for the county in which the alleged act or failure to act occurred.*

Sec. 129. NRS 712.020 is hereby amended to read as follows:

712.020 The Legislature hereby finds and declares that the storage of household goods and effects in warehouses affects the public interest and the

public welfare, and in the exercise of its police power, it is necessary to vest in the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* the authority to set certain standards as to fitness and financial stability, and to require certain insurance as a condition for engaging in such storage business.

Sec. 130. NRS 712.040 is hereby amended to read as follows:

712.040 A person shall not engage in the storage of household goods and effects without first having obtained from the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* a warehouse permit to conduct such service.

Sec. 131. NRS 712.050 is hereby amended to read as follows:

712.050 1. Before issuing a warehouse permit, the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* shall:

(a) Require proof of financial ability to protect persons storing property from loss or damage, and a showing of sufficient assets, including working capital, to carry out the proposed service.

(b) Determine that the applicant has sufficient experience in and knowledge of the storage in a warehouse of household goods and effects, and the regulations of the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* governing the storage of household goods and effects.

(c) Require proof that the applicant carries a legal policy of liability insurance evidencing coverage against fire, theft, loss and damage for stored property and effects in an amount not less than the base release value set forth in the tariff approved by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* governing the transportation of household goods and effects for those articles not covered by private insurance. Except upon 30 days' written notice to the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada*, the insurance must not be cancelled during the period for which any permit is issued. Failure to keep the insurance in effect is cause for revocation of any warehouse permit.

(d) Require information showing that the property to be used for storage of household goods and effects is reasonably suitable for that purpose. Failure to maintain the property in suitable condition is cause for revocation of any warehouse permit.

(e) Collect an initial fee for the permit as set by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* according to the gross volume of business in an amount not less than \$25 nor more than \$50.

2. On or before January 1 of each year, the holder of a warehouse permit shall pay to the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* an annual fee as set by the ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* pursuant to paragraph (e) of subsection 1.

3. Any person who fails to pay the annual fee on or before the date provided in this section shall pay a penalty of 10 percent of the amount of the

fee plus interest on the amount of the fee at the rate of 1 percent per month or fraction of a month from the date the fee is due until the date of payment.

Sec. 132. NRS 712.060 is hereby amended to read as follows:

712.060 The ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* or its agents may:

1. Inspect any property proposed to be used for storage of household goods and effects to determine its suitability.

2. Examine the premises, books and records of any permit holder.

Sec. 133. NRS 712.070 is hereby amended to read as follows:

712.070 The ~~{Transportation Services Authority}~~ *Public Utilities Commission of Nevada* shall adopt such rules or regulations as may be required for the administration of this chapter.

Sec. 134. NRS 706.018, 706.021, 706.1511, 706.1512, 706.1513, 706.1518, 706.158, 706.176 and 706.2883 are hereby repealed.

Sec. 135. Notwithstanding any provision of this act, the amendatory provisions of sections 2, 3, 4, 18 and 19 of this act apply only to motor vehicles with a declared gross weight in excess of 26,000 pounds that are initially registered, or for which the registrations are renewed, on or after January 1, 2006.

Sec. 136. 1. Any regulations adopted by the Transportation Services Authority remain in force until amended or repealed by the Public Utilities Commission of Nevada.

2. Any contracts or other agreements entered into by the Transportation Services Authority, whose responsibilities have been transferred pursuant to this act, are binding on the Public Utilities Commission of Nevada.

3. Any certificate of public convenience and necessity issued by the Transportation Services Authority that is in effect on October 1, 2005, shall be deemed to have been issued by the Public Utilities Commission of Nevada.

4. Any license or permit issued by the Transportation Services Authority that is in effect on October 1, 2005, shall be deemed to have been issued by the Public Utilities Commission of Nevada.

5. Any file of the Transportation Services Authority that is open on October 1, 2005, must be transferred to the Public Utilities Commission of Nevada.

Sec. 137. The Public Utilities Commission of Nevada and the Transportation Services Authority shall cooperate fully and shall take all reasonable steps before October 1, 2005, to ensure that the amendatory provisions of this act are carried out in an orderly fashion.

Sec. 138. On October 1, 2005, the State Controller shall transfer all assets and liabilities from the Transportation Services Authority Regulatory Fund to the Commission Transportation Regulatory Fund created pursuant to section 40 of this act.

Sec. 139. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 140. This act becomes effective upon passage and approval for the purpose of adopting regulations and conducting any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on October 1, 2005, for all other purposes.

#### LEADLINES OF REPEALED SECTIONS

706.018 "Authority" defined.

706.021 "Broker" defined.

706.1511 Authority: Creation; appointment, terms and qualifications of members; restriction on other employment of members; members serve at pleasure of Governor.

706.1512 Authority: Designation of Chairman by Governor; Executive Officer; members in unclassified service of State.

706.1513 Suits by and against Authority.

706.1518 Authority: Biennial report; records open to public.

706.158 Inapplicability of provisions governing brokers to motor clubs and charitable organizations.

706.176 Employment of personnel by Authority.

706.2883 Person aggrieved by action or inaction of Taxicab Authority entitled to judicial review; regulations of Transportation Services Authority regarding its review of decisions of Taxicab Authority."

Amend the title of the bill to read as follows:

"AN ACT relating to transportation; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; abolishing the Transportation Services Authority; transferring the duties and responsibilities related to motor carriers and the storage of household goods and effects to the Public Utilities Commission of Nevada; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"SUMMARY—Revises provisions relating to registration of certain motor vehicles and abolishes Transportation Services Authority. (BDR 43-973)".

Senator Nolan moved the adoption of the amendment.

Remarks by Senators Nolan, Carlton, Care, Raggio and Horsford.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

## UNFINISHED BUSINESS

## RECEDE FROM SENATE AMENDMENTS

Senator Washington moved that the Senate do not recede from its action on Assembly Bill No. 43, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Cegavske, Heck and Mathews as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 43.

## RECEDE FROM SENATE AMENDMENTS

Senator Townsend moved that the Senate do not recede from its action on Assembly Bill No. 44, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Heck, Hardy and Tiffany as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 44.

## RECEDE FROM SENATE AMENDMENTS

Senator Amodei moved that the Senate do not recede from its action on Assembly Bill No. 365, that a conference be requested, and that Madam President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Amodei.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Washington, Wiener and Nolan as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 365.

Madam President appointed Senators Washington, Wiener and Nolan as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 173.



Senator Raggio moved that the Senate recess until 4 p.m.

Motion carried.

Senate in recess at 1:22 p.m.

#### SENATE IN SESSION

At 4:27 p.m.

President pro Tempore Amodei presiding.

Quorum present.

#### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 467.

The following Assembly amendment was read:

Amendment No. 890.

Amend section 1, page 1, line 4, by deleting "governing" and inserting "[~~governing~~] public".

Amend section 1, page 3, line 21, after "by" by inserting: "*the governing body of*".

Amend sec. 7, page 9, by deleting lines 24 and 25 and inserting: "public body shall report to the public body any contract that ~~the~~ *the authorized representative*".

Amend sec. 7, page 9, line 37, after "body" by inserting: "*or its authorized representative*".

Amend sec. 7, page 10, line 5, by deleting: "*responsive and responsible*".

Amend sec. 7, page 10, line 11, by deleting "*and*".

Amend sec. 7, page 10, by deleting line 13 and inserting: "*publishing a notice pursuant to paragraph (a); and*

*(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.*".

Amend sec. 8, page 11, by deleting lines 23 and 24 and inserting: "public body shall report to the public body any contract that ~~the~~ *the authorized representative*".

Amend sec. 8, page 11, line 36, after "body" by inserting: "*or its authorized representative*".

Amend sec. 8, page 12, line 3, by deleting "*responsive and responsible*".

Amend sec. 8, page 12, line 9, by deleting "*and*".

Amend sec. 8, page 12, line 11, by deleting "*(a).*" and inserting: "*(a); and (d) The contract is awarded to the lowest responsive and responsible bidder.*".

Amend the bill as a whole by deleting sec. 12.5 and adding:

"Sec. 12.5. (Deleted by amendment.)".

Amend sec. 15, page 18, line 19, by deleting "*responsive and responsible*".

Amend sec. 15, page 18, line 25, by deleting "*and*".

Amend sec. 15, page 18, line 27, by deleting "*(a).*" and inserting: "*(a); and (d) The contract is awarded to the lowest responsive and responsible bidder.*".

Amend sec. 16, page 20, line 15, by deleting "*responsive and responsible*".

Amend sec. 16, page 20, line 21, by deleting "*and*".

Amend sec. 16, page 20, line 23, by deleting "(a)." and inserting: "(a); and (d) *The contract is awarded to the lowest responsive and responsible bidder.*".

Amend sec. 21, page 21, by deleting line 39 and inserting: "the public body ~~[determines that:]~~".

Amend sec. 21, page 22, line 23, before "*work:*" by inserting: "*has approved the use of a design-build team for the design and construction of the public work and the public*".

Amend sec. 21, page 23, line 37, by deleting "\$5,000,000." and inserting "\$10,000,000."

Senator Hardy moved that the Senate concur in the Assembly amendment to Senate Bill No. 467.

Remarks by Senator Hardy.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Mr. President pro Tempore announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 4:28 p.m.

#### SENATE IN SESSION

At 4:29 p.m.

President Hunt presiding.

Quorum present.

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 4, 26, 32, 41, 64, 83, 99, 102, 104, 134, 146, 150, 155, 172, 214, 234, 235, 262, 267, 287, 293, 303, 343, 347, 411, 415, 421, 422, 432, 444, 450, 452, 458, 466, 488, 489; Assembly Bills Nos. 103, 312.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator McGinness, the privilege of the floor of the Senate Chamber for this day was extended to Dee McGinness, Lucia Henry, Suzie Slaybaugh and the following students, chaperones and teachers from the Gardnerville Elementary School: Cindy Aguilar, Tayler Christopher, Jacob Dancer-Davis, Jessica Drinkwine, David Francis, Owen Galvin, Trevor Hemsath, Brittney Kashuba, Julian Lomas, Taylor Lombert, Max McDuffee, Morgan McDuffee, Colton McKone, Seth O'Connor, John Ortega, Jesseca Pacheco, Esai Rodriguez, Mariela Rubio, Francisco Sanchez, Noah Thew, Cory Hayes, Alfonso Aguilar, Jacob Braga, Kelsey Cryderman, Carin Cubillo, Katie Ellison, Gavin Gaudreault, Alex Gonzales Ramirez, Isaac Keway, Phoebe Mark, Justin Newcomb, Yesenia Pacheco, Ashwath Ravichandran, Nicole Rios, Mauricio Rodriguez, Jesse Snooks, Paige Soares,

Walker Spurgeon, Leah Walters, Ivan Zaragoza, Jordan Steele, Mariah L'Africain, Alysas James; chaperones: Mrs. Kashuba, Mrs. Ives, Mrs. Ellison; teachers: Danette Morgan and Miss Rosingus.

On request of Senator Rhoads, the privilege of the floor of the Senate Chamber for this day was extended to Shammy McLain, Maliki McLain and Tilden McLain.

Senator Nolan moved that the Senate adjourn until Thursday, June 2, 2005, at 11 a.m.

Motion carried.

Senate adjourned at 4:30 p.m.

Approved:

LORRAINE T. HUNT  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*