THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 24, 2007

Assembly called to order at 11:23 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Louie Locke.

Lord, as we gather in this place today, we give You thanks and praise because Your mercies are new every morning and Your thoughts toward us are gracious, long suffering, and abounding in goodness and truth. In the midst of the pressures and demands of this session, may we be reminded by King David's advice from Psalm 55: "Cast your burden on the Lord and He will sustain you. He will never permit the righteous to be moved."

May the people of Nevada benefit because of the wisdom and understanding You give to our legislators in their deliberations and decisions. Bless the men and women of this Assembly, their families and staff. In the Name of the Most High God,

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Oceguera moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN OCEGUERA, *Chair*

Madam Speaker:

Your Committee on Education, to which was referred Senate Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Concurrent Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Health and Human Services.

BONNIE PARNELL, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 23, 2007

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 3, 72, 103, 105, 110, 113, 128, 146, 164, 198, 210, 237, 244, 245, 264, 275, 277, 279, 291, 298, 310, 313, 329, 352, 356, 357, 359, 367, 375, 399, 403, 425, 430, 454, 477, 491, 503, 529, 533, 535, 536; Senate Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 92, 125, 157, 235, 319, 328, 405, 438, 450, 473.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that all rules be suspended, reading so far considered second reading, rules further suspended, all bills and resolutions reported out of committee be declared emergency measures under the Constitution, and placed on third reading and final passage.

Motion carried.

Assemblyman Oceguera moved that the reading of Histories on all bills and resolutions be dispensed with for this legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 3.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 72.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 92.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 103.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 105.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 110.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 113.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 125.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 128.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 146.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 157.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 164.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 198.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 210.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 235.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 237.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 244.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 245.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 264.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 275.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 277.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 279.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 291.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 298.

Assemblyman Oceguera moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 310.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 313.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 319.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 328.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 329.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 352.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 356.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 357.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 359.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 367.

Assemblyman Oceguera moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 375.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 399.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 403.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 405.

Assemblyman Oceguera moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 425.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 430.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 438.

Assemblyman Oceguera moved that the bill be referred to the Select Committee on Corrections, Parole, and Probation.

Motion carried.

Senate Bill No. 450.

Assemblyman Oceguera moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 454.

Assemblyman Oceguera moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 473.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 477.

Assemblyman Oceguera moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 491.

Assemblyman Oceguera moved that the bill be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.

Motion carried.

Senate Bill No. 503.

Assemblyman Oceguera moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 529.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 533.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 535.

Assemblyman Oceguera moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 536.

Assemblyman Oceguera moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Parnell moved that Senate Concurrent Resolution No. 18 be rereferred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 10.

Assemblyman Oceguera moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 249.

Bill read third time.

Roll call on Assembly Bill No. 249:

YEAS—42.

NAYS—None.

Assembly Bill No. 249 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that Assembly Bill No. 95 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 248 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 514 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 518 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 142 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 326 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 369 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 477 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 517 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 604 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 606 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 526 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 255 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.
Mr. Speaker pro Tempore presiding.
Quorum present.

In compliance with a notice given on a previous day, Assemblywoman Buckley moved that the vote whereby Assembly Bill No. 238 was passed be reconsidered.
Remarks by Assemblywoman Buckley.
Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 238 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Mr. Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.
Madam Speaker presiding.
Quorum present.

Assemblyman Oceguera moved that upon return from the printer all bills and resolutions be placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 255.
Bill read third time.
The following amendment was proposed by Assemblywoman Kirkpatrick:
Amendment No. 626.
"SUMMARY—Revises ~~[and creates]~~ **certain** provisions relating to ~~[housing assistance.]~~ **accommodation.** (BDR 25-140)"
"AN ACT relating to ~~[housing;]~~ **accommodation;** providing for the creation and maintenance of a statewide low-income housing database; ~~[providing for the maintenance of the Nevada Housing Registry;]~~ creating new definitions of "affordable housing" and "attainable housing"; revising old definitions of "affordable housing"; revising provisions relating to "affordable housing" to include new definitions of "affordable housing" and "attainable housing"; **revising provisions regarding unlawful**

discrimination in public accommodations to include sexual orientation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law contains numerous provisions relating to "affordable housing." (Chapters 233J, 244, 244A, 268, 277, 278, 279, 279A, 279B, 319, 349 and 375 of NRS).

Section 2 of this bill creates a new definition for "affordable housing" as housing affordable for a family with an income of 80 percent or less of their county median income. Section 18 of this bill creates a new definition for "attainable housing" as housing affordable for a family with an income of more than 80 percent but equal to or less than 120 percent of their county median income. Sections 6-17 and 19-45 of this bill make necessary amendments so that these new definitions apply throughout most of NRS.

Sections 3 and 4 of this bill provide for the creation and maintenance of a statewide low-income housing database. ~~[Sections 2.3 and 4 of this bill recognize the existence of the Nevada Housing Registry and provide for its maintenance.]~~ Section 5 of this bill requires that owners of residential rental units that are receiving or have received government money for those housing units must report certain information regarding those units on a quarterly basis.

Existing law declares that all persons are entitled to full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any places of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin or disability. (NRS 651.070) Sections 45.3-45.7 of this bill add sexual orientation as a class protected from discrimination in public accommodation.

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

Section 1. Chapter 319 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Affordable housing" means housing affordable for a family with a total gross income equal to or less than 80 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

Sec. 2.1. ~~*[*"Consortia" means the consortia described in 42 U.S.C. § 12746.*]*~~ **(Deleted by amendment.)**

Sec. 2.3. ~~*[*"Nevada Housing Registry" means the housing registry maintained as a joint project of:~~

~~*1. The Office of Disability Services created pursuant to NRS 426.235; and*~~

~~*2. The State Council on Developmental Disabilities established in this State pursuant to section 125 of the Developmental Disabilities Assistance*~~

~~*and Bill of Rights Act of 2000, 42 U.S.C. § 15025.]*~~ **(Deleted by amendment.)**

Sec. 2.7. ~~*[“Nevada Low-Income Housing Database” means the database created and maintained pursuant to section 3 of this act.]*~~ **(Deleted by amendment.)**

Sec. 3. ***1. The demographer employed pursuant to NRS 360.283 shall provide for the creation and maintenance of a statewide low-income housing database*** ***.*** ~~*[to be known as the Nevada Low-Income Housing Database.]*~~

2. The ~~*[Database]*~~ ***database must include, without limitation, the compilation and analysis of demographic, economic and housing data from a variety of sources that:***

(a) Provides for an annual assessment of the affordable housing market at the city and county level, including data relating to housing units, age of housing, rental rates and rental vacancy rates, new home sales and resale of homes, new construction permits, mobile homes, lots available for mobile homes, and conversions of multifamily condominiums;

(b) Addresses the housing needs of various population groups in Nevada, such as households that rent, homeowners, elderly households, veterans, persons with disabilities or special needs, homeless persons, recovering drug abusers, persons suffering from mental health ailments and abused women, with each group broken down to show the percentage of the population group at different income levels, and a determination of the number of households within each special needs group experiencing housing costs greater than 50 percent of their income, overcrowding or substandard housing;

(c) Contains an estimate of the number and condition of subsidized and other low-income housing units at the county level and the identification of any subsidized units that are forecast to convert to market-rate units within a 2-year planning period;

(d) Provides a demographic and economic overview by local and county jurisdiction, if feasible, for the population of Nevada, including age, race and ethnicity, household size, migration, current and forecast employment, household income and a summary relating to the effects of demographics and economic factors on housing demand;

(e) Provides the number of housing units available to a victim of domestic violence from any housing authority, as defined in NRS 315.021, and from participation in the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; and

(f) Provides the number of terminations of victims of domestic violence in this State from the program of housing assistance pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f.

~~*[3. The Database created pursuant to this section must provide sufficient information to satisfy the requirements imposed by 24 C.F.R. Part 91 upon all relevant consortia and jurisdictions of this State.]*~~

Sec. 4. ~~*[1. The costs of the Nevada Housing Registry must be paid from the Account for Low-Income Housing created pursuant to NRS 319.500. The amount used for the Registry must not exceed $50,000 per year.*~~

~~*2.]*~~ ***The costs of the*** ~~*[Nevada Low-Income Housing Database]*~~ ***database described in section 3 of this act must be paid from the Account for Low-Income Housing created pursuant to NRS 319.500. The amount used for the*** ~~*[Database]*~~ ***database must not exceed*** ~~*[$250,000]*~~ ***$175,000 per year.***

Sec. 5. ***If an owner of residential housing that is accessible or affordable and is available for rent or lease in this State has received any loans, grants or contributions for the residential housing from the Federal Government, the State or any public body, the owner shall, not less than quarterly, report to the Office of Disability Services*** ~~*[created pursuant to NRS 426.235, information to include the following:*~~

~~*1. Whether the housing is currently vacant or occupied;*~~

~~*2. The number of persons, if any, who are currently on a waiting list to rent or lease the housing;*~~

~~*3. The current duration of the waiting list to rent or lease the housing; and*~~

~~*4. Such additional information as the Office of Disability Services may direct, to allow a determination of whether a particular unit of housing may be appropriate for occupancy by persons in different demographic groups, including those based on income, age, level of disability, family size or any other relevant factors.]*~~ ***of the Department of Health and Human Services all of those residential housing units which are available and suitable for persons with disabilities.***

Sec. 6. NRS 319.030 is hereby amended to read as follows:

319.030 As used in this chapter, the words and terms defined in NRS 319.040 to 319.135, inclusive, ***and*** ~~*[sections 2, 2.1, 2.3 and 2.7]*~~ ***section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6.5. NRS 319.060 is hereby amended to read as follows:

319.060 "Eligible family" means a person or family, selected without regard to race, creed, national origin or sex, determined by the Division to require such assistance as is made available by this chapter on account of insufficient personal or family income after taking into consideration, without limitation, such factors as:

1. The amount of the total income of that person or family available for housing needs;

2. The size of the family;

3. The cost and condition of housing facilities available;

4. The ability of the person or family to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing;

5. If appropriate, standards established for various federal programs determining eligibility based on income of those persons and families; and

6. Service in the Armed Forces of the United States with a minimum of 90 days on active duty at some time between:

(a) April 21, 1898, and June 15, 1903;

(b) April 6, 1917, and November 11, 1918;

(c) December 7, 1941, and December 31, 1946;

(d) June 25, 1950, and January 31, 1955; ~~[or]~~

(e) January 1, 1961, and May 7, 1975 ~~[,]~~ ***;***

(f) August 2, 1990, and April 3, 1991; or

(g) September 11, 2001, and the date on which the Federal Government declares officially that the War on Terror has ended,

➥ and at least 2 years' continuous residence in Nevada immediately preceding any application for assistance under this chapter.

Sec. 7. NRS 319.147 is hereby amended to read as follows:

319.147 1. The Division shall certify an assisted living facility for the purpose of providing services pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708 if the facility:

(a) Provides assisted living supportive services to senior citizens of low or moderate income;

(b) Provides or arranges for the provision of case management services for its residents;

(c) Guarantees ~~[affordable]~~ housing ***for persons of low or moderate income*** for a period of at least 15 years after the facility is certified;

(d) Is financed through tax credits relating to low-income housing or other public funds; and

(e) Satisfies any other requirements set forth by the Division in any regulations adopted by the Division.

2. The Division shall adopt regulations concerning the certification of assisted living facilities pursuant to this section.

3. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in paragraph (a) of subsection 3 of NRS 422.2708.

(b) "Assisted living supportive services" has the meaning ascribed to it in paragraph (b) of subsection 3 of NRS 422.2708.

Sec. 8. NRS 319.510 is hereby amended to read as follows:

319.510 1. Money deposited in the Account for Low-Income Housing must be used:

(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account; and

(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend ~~*[not more than 6 percent of the]*~~ money from ~~*[in]*~~ the Account as reimbursement for the necessary costs of efficiently administering ~~*[for the Division to:*~~

~~*(a) Efficiently administer]*~~ the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. ***In addition, the Division may expend money from the Account as required by section 4 of this act.*** Of the ~~*[,*~~

~~*(b) Administer money in the Account that the Division allocates to local jurisdictions and consortia; and*~~

~~*(c) Pay the necessary administrative costs associated with programs the Division, local jurisdictions and consortia may fund with money from the Account.*~~

~~*3. The]*~~ remaining money allocated from the Account :

(a) ~~[Except as otherwise provided in subsection 3, 15]~~ ***Fifteen*** percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:

(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to low-income housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) ~~*[, after the expenditures authorized pursuant to subsection 2, must be allocated as follows:*~~

~~*(a) Before the distribution of money for the purposes set forth in paragraphs (b) and (c), the Division must pay the necessary costs for:*~~

~~*(1) That portion of any Homeless Management Information System which is required by, but not paid for by, the Department of Housing and Urban Development;*~~

~~*(2) An amount not to exceed $50,000 per year to pay for the costs described in subsection 1 of section 4 of this act; and*~~

~~*(3) An amount not to exceed $250,000 per year to pay for the costs described in subsection 2 of section 4 of this act.*~~

~~*(b) Fifteen percent of the amount remaining after the expenditures required pursuant to paragraph (a) must be distributed to public or private nonprofit organizations, housing authorities and local governments for activities to prevent homelessness, including, but not limited to, assistance relating to emergency housing. All such money must be used to benefit persons and families with a total gross income equal to or less than 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.*~~

~~*(c)]*~~ Eighty-five percent ~~*[of the amount remaining after the expenditures required pursuant to paragraph (a)]*~~ must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of housing for eligible families, ~~*[purposes described in paragraphs (a), (b), (c) and (e) of subsection 1,]*~~ subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) ~~[All]~~ ***Except as otherwise provided in this subparagraph, all*** money must be used to benefit families ~~[whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.]~~ ***eligible for affordable housing. Money that is deposited in the Account pursuant to paragraph (a) of subsection 1 of NRS 375.070 must be used to benefit families with a total gross income equal to or less than 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

(5) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than

30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

(6) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

~~[3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.]~~

~~*[4. As used in this section, "Homeless Management Information System" means an information system described in Homeless Management Information Systems (HMIS) Data and Technical Standards Notice; Notice, as issued by the Department of Housing and Urban Development in 68 Federal Register 43,430 on July 22, 2003.]*~~

Sec. 9. Chapter 233J of NRS is hereby amended by adding thereto the provisions set forth as sections 10, 11 and 12 of this act.

Sec. 10. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233J.010 and sections 11 and 12 of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 12. ***"Attainable housing" has the meaning ascribed to it in section 18 of this act.***

Sec. 13. NRS 233J.010 is hereby amended to read as follows:

233J.010 ~~[As used in this chapter, unless the context otherwise requires,]~~ "Commission" means the Nevada Commission on Minority Affairs created by NRS 233J.020.

Sec. 14. NRS 233J.060 is hereby amended to read as follows:

233J.060 The Commission shall, within the limits of available money:

1. Study matters affecting the social and economic welfare and well-being of minorities residing in the State of Nevada;

2. Collect and disseminate information on activities, programs and essential services available to minorities in the State of Nevada;

3. Study the:

(a) Availability of employment for minorities in this State, and the manner in which minorities are employed;

(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and

(c) Availability of affordable housing ***and attainable housing*** for minorities;

4. In cooperation with the Nevada Equal Rights Commission, act as a liaison to inform persons regarding:

(a) The laws of this State that prohibit discriminatory practices; and

(b) The procedures pursuant to which aggrieved persons may file complaints or otherwise take action to remedy such discriminatory practices;

5. To the extent practicable, strive to create networks within the business community between businesses that are owned by minorities and businesses that are not owned by minorities;

6. Advise the Governor on matters relating to minorities and of concern to minorities; and

7. Recommend proposed legislation to the Governor.

Sec. 15. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 16, 17 and 18 of this act.

Sec. 16. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 17 and 18 of this act have the meanings ascribed to them in those sections.***

Sec. 17. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 18. ***"Attainable housing" means housing affordable for a family with a total gross income greater than 80 percent and equal to or less than 120 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.***

Sec. 19. NRS 244.189 is hereby amended to read as follows:

244.189 1. Except as otherwise provided in subsection 2 and in addition to any other powers authorized by specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:

(a) The development of affordable housing ~~[,]~~ ***and attainable housing;***

(b) The control and protection of animals;

(c) The rehabilitation of rental property in residential neighborhoods; and

(d) The rehabilitation of abandoned residential property.

2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by specific statute.

3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.

Sec. 20. NRS 244.287 is hereby amended to read as follows:

244.287 1. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:

(a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.

(b) Purchased by the county pursuant to NRS 244.275.

2. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing

on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not ~~[fewer]~~ ***less*** than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ***or attainable housing.*** If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing ***or attainable housing*** for persons who are disabled or elderly.

4. If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

5. As a condition to the conveyance of the property pursuant to subsection 4, the board of county commissioners shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing ***or attainable housing, as applicable,*** for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as affordable housing ~~[.]~~ ***or attainable housing, as applicable,*** including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ~~[;]~~ ***or attainable housing, as applicable;*** and

(b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement.

7. A board of county commissioners that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** or entered into such contracts as are necessary to commence the construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** the property that was conveyed automatically reverts to the county.

9. A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

Sec. 21. NRS 268.058 is hereby amended to read as follows:

268.058 1. A nonprofit organization may submit to the governing body of a city an application for conveyance of property that is owned by the city if the property was purchased or received by the city pursuant to NRS 268.008.

2. Before the governing body makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the city.

(b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.

(c) Posted in a conspicuous place on the property that is proposed for conveyance.

➥ The hearing must be held not ~~[fewer]~~ ***less*** than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The governing body may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing ~~[for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same city, as that percentage is defined by the United States Department of Housing and Urban Development.]~~ ***or attainable housing.*** If the governing body receives more than one application for conveyance of the property, the governing body must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the governing body that the organization or its assignee will use the property to develop affordable housing ***or attainable housing*** for persons who are disabled or elderly.

4. If the governing body approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the city.

5. As a condition to the conveyance of the property pursuant to subsection 4, the governing body shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing ***or attainable housing, as applicable,*** for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement, the governing body may take reasonable action to return the property to use as affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** including, without limitation:

(a) Repossessing the property from the nonprofit organization or its assignee.

(b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:

(a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing ~~[;]~~ ***or attainable housing, as applicable;*** and

(b) The action that the governing body will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing ***or attainable housing, as applicable,*** pursuant to the agreement.

7. A governing body that has conveyed property pursuant to subsection 4 shall:

(a) Prepare annually a list which includes a description of all property conveyed to a nonprofit organization pursuant to this section; and

(b) Include the list in the annual audit of the city which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** or entered into such contracts as are necessary to commence the construction of affordable housing ~~[,]~~ ***or attainable housing, as applicable,*** the property that was conveyed automatically reverts to the city.

9. A governing body may subordinate the interest of the city in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the governing body deems necessary to promote investment in the construction of affordable housing ~~[.]~~ ***or attainable housing, as applicable.***

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

11. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in section 2 of this act; and

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 22. NRS 268.190 is hereby amended to read as follows:

268.190 Except as otherwise provided by law, the city planning commission may:

1. Recommend and advise the city council and all other public authorities concerning:

(a) The laying out, widening, extending, paving, parking and locating of streets, sidewalks and boulevards.

(b) The betterment of housing and sanitary conditions, and the establishment of zones or districts within which lots or buildings may be restricted to residential use, or from which the establishment, conduct or operation of certain business, manufacturing or other enterprises may be excluded, and limiting the height, area and bulk of buildings and structures therein.

2. Recommend to the city council and all other public authorities plans and regulations for the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, which must include for each city a population plan if required by NRS 278.170 and a plan for the development of affordable housing ~~[.]~~ ***and attainable housing.***

3. Perform any other acts and things necessary or proper to carry out the provisions of NRS 268.110 to 268.220, inclusive, and in general to study and propose such measures as may be for the municipal welfare and in the interest of protecting the municipal area's natural resources from impairment.

4. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in section 2 of this act; and

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 23. NRS 277.360 is hereby amended to read as follows:

277.360 1. A regional development district may establish a nonprofit corporation for any purpose for which the district is authorized to act pursuant to NRS 277.300 to 277.390, inclusive, including increasing the supply of affordable housing ***and attainable housing*** and improving opportunities for home ownership in a development region. A nonprofit corporation formed pursuant to this section may, among other things, acquire land and buildings, accept private, state and federal grant and loan funds, construct and rehabilitate housing units, and buy, sell or manage housing within the boundaries of the development district.

2. A regional development district may receive and administer private, state and federal affordable housing ***and attainable housing*** funds to increase the supply of affordable housing ***and attainable housing*** and to improve opportunities for home ownership within the boundaries of the district. The creation of a regional development district does not affect the right of a county or city to receive and administer affordable housing ***or attainable housing*** funds or to develop and implement subregional affordable housing ***or attainable housing*** programs.

3. As used in this section:

(a) "Affordable housing" has the meaning ascribed to it in section 2 of this act.

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 24. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

"Attainable housing" has the meaning ascribed to it in section 18 of this act.

Sec. 25. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and section 24 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, ***and section 24 of this act*** have the meanings ascribed to them in those sections.

Sec. 26. NRS 278.0105 is hereby amended to read as follows:

278.0105 "Affordable housing" ~~[means housing affordable for a family with a total gross income less than 110 percent of the median gross income for the county concerned based upon the estimates of the United States~~

~~Department of Housing and Urban Development of the most current median gross family income for the county.]~~ ***has the meaning ascribed to it in section 2 of this act.***

Sec. 27. NRS 278.020 is hereby amended to read as follows:

278.020 1. For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing bodies of cities and counties are authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.

2. Any such regulation, restriction and control must take into account:

(a) The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

(b) The availability of and need for affordable housing ***and attainable housing*** in the community, including affordable housing ***and attainable housing*** that is accessible to persons with disabilities.

Sec. 28. NRS 278.02095 is hereby amended to read as follows:

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

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

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

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

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

(4) Consist of more than one section; and

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

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

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

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage

or impede the construction or provision of affordable housing ~~[,]~~ ***or attainable housing,*** including, without limitation, the use of manufactured homes for affordable housing ~~[.]~~ ***or attainable housing.***

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

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

6. As used in this section:

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

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

Sec. 29. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in subsection 4 of NRS 278.150 and subsection 3 of NRS 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, without limitation:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing ***and attainable housing*** in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing ***and attainable housing*** in the community.

(5) An analysis of any impediments to the development of affordable housing ***and attainable housing*** and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing ~~[.]~~ ***and attainable housing.***

(7) An analysis of the needs and appropriate methods for the construction of affordable housing ***and attainable housing*** or the conversion or rehabilitation of existing housing to affordable housing ~~[.]~~ ***or attainable housing.***

(8) A plan for maintaining and developing affordable housing ***and attainable housing*** to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(1) Must address, if applicable, mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts.

(2) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails,

reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Rural neighborhoods preservation plan. In any county whose population is 400,000 or more, showing general plans to preserve the character and density of rural neighborhoods.

(l) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from those hazards.

(m) School facilities plan. Showing the general locations of current and future school facilities based upon information furnished by the appropriate local school district.

(n) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(o) Solid waste disposal plan. Showing general plans for the disposal of solid waste.

(p) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(q) Transit plan. Showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(r) Transportation plan. Showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, ***and section 24 of this act*** prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 30. NRS 278.230 is hereby amended to read as follows:

278.230 1. Except as otherwise provided in subsection 4 of NRS 278.150, whenever the governing body of any city or county has adopted a master plan or part thereof for the city or county, or for any major section or district thereof, the governing body shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan or part thereof, in order that the same will serve as:

(a) A pattern and guide for that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan, where required, and ensure an adequate supply of housing, including affordable housing ~~[,]~~ ***and attainable housing;*** and

(b) A basis for the efficient expenditure of funds thereof relating to the subjects of the master plan.

2. The governing body may adopt and use such procedure as may be necessary for this purpose.

Sec. 31. NRS 278.250 is hereby amended to read as follows:

278.250 1. For the purposes of NRS 278.010 to 278.630, inclusive, ***and section 24 of this act,*** the governing body may divide the city, county or region into zoning districts of such number, shape and area as are best suited to carry out the purposes of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and section 24 of this act.*** Within the zoning district, it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2. The zoning regulations must be adopted in accordance with the master plan for land use and be designed:

(a) To preserve the quality of air and water resources.

(b) To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

(c) To consider existing views and access to solar resources by studying the height of new buildings which will cast shadows on surrounding residential and commercial developments.

(d) To reduce the consumption of energy by encouraging the use of products and materials which maximize energy efficiency in the construction of buildings.

(e) To provide for recreational needs.

(f) To protect life and property in areas subject to floods, landslides and other natural disasters.

(g) To conform to the adopted population plan, if required by NRS 278.170.

(h) To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including public access and sidewalks for pedestrians, and facilities and services for bicycles.

(i) To ensure that the development on land is commensurate with the character and the physical limitations of the land.

(j) To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.

(k) To promote health and the general welfare.

(l) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing ~~[.]~~ ***and attainable housing.***

(m) To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

(n) To promote systems which use solar or wind energy.

3. The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.

4. In exercising the powers granted in this section, the governing body may use any controls relating to land use or principles of zoning that the governing body determines to be appropriate, including, without limitation, density bonuses, inclusionary zoning and minimum density zoning.

5. As used in this section:

(a) "Density bonus" means an incentive granted by a governing body to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under the master plan, in exchange for an agreement by the developer to perform certain functions that the governing body determines to be socially desirable, including, without limitation, developing an area to include a certain proportion of affordable housing ~~[.]~~ ***or attainable housing.***

(b) "Inclusionary zoning" means a type of zoning pursuant to which a governing body requires or provides incentives to a developer who builds residential dwellings to build a certain percentage of those dwellings as affordable housing ~~[.]~~ ***or attainable housing.***

(c) "Minimum density zoning" means a type of zoning pursuant to which development must be carried out at or above a certain density to maintain conformance with the master plan.

Sec. 32. Chapter 279 of NRS is hereby amended by adding thereto the provisions set forth as sections 33 and 34 of this act.

Sec. 33. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

Sec. 34. ***"Attainable housing" has the meaning ascribed to it in section 18 of this act.***

Sec. 35. NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, ***and sections 33 and 34 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, ***and sections 33 and 34 of this act*** have the meanings ascribed to them in those sections.

Sec. 36. NRS 279.397 is hereby amended to read as follows:

279.397 "Low-income household" means a household ~~[,]~~ which may include one or more persons ~~[, whose total gross income is less than 80 percent of the median gross income for households of the same size within the same geographic region.]~~ ***and which is eligible for affordable housing or attainable housing.***

Sec. 37. NRS 279.425 is hereby amended to read as follows:

279.425 It is further found and declared that:

1. The provision of housing is a fundamental purpose of the Community Redevelopment Law and that a generally inadequate supply of decent, safe and sanitary housing available to low-income households threatens the accomplishment of the primary purposes of the Community Redevelopment Law, including, without limitation, creating new employment opportunities, attracting new private investments of money in the area and creating physical, economic, social and environmental conditions to remove and prevent the recurrence of blight.

2. The provision and improvement of housing which can be rented or sold to families with low incomes and which is inside or outside the boundaries of the redevelopment area can be of direct benefit to the redevelopment area in assisting the accomplishment of project objectives whether or not the redevelopment plan provides for housing within the project area.

3. The provision of affordable housing ***and attainable housing*** by redevelopment agencies and the use of taxes allocated to the agency pursuant thereto is of statewide benefit and assistance to all local governmental agencies in the areas where housing is provided.

Sec. 38. NRS 279A.010 is hereby amended to read as follows:

279A.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties because of the inability of their owners, for whatever reason, to pay for their repair and maintenance;

2. These properties are a threat not only to the health, safety and well-being of the persons who occupy them but also to neighboring persons and property;

3. There is also a shortage of decent ~~[, safe]~~ and ***safe*** affordable housing ~~[for persons of low or moderate income]~~ ***and attainable housing*** and the counties and cities of this State have an obligation to encourage persons who own residential property to maintain that property in a decent, safe and sanitary condition;

4. It is in the public interest to encourage the preservation and maintenance of ***affordable housing and attainable*** housing in this State ***,*** ~~[for persons of low or moderate income,]~~ in order to improve ~~[their]~~ living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing ~~[,]~~ ***and attainable housing;*** and

(b) Rehabilitate residential neighborhoods and individual properties within those neighborhoods.

Sec. 39. NRS 279A.020 is hereby amended to read as follows:

279A.020 As used in this chapter, unless the context otherwise requires:

1. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

2. "Agency" means an agency of a county or city established or designated to administer a program.

~~[2.]~~ ***3. "Attainable housing" has the meaning ascribed to it in section 18 of this act.***

4. "Fund" means a revolving fund for loans for the rehabilitation of residential property.

~~[3.]~~ ***5.*** "Governing body" means the governing body of a county or city.

~~[4.]~~ ***6.*** "Program" means a program for the rehabilitation of residential neighborhoods established by a governing body pursuant to this chapter.

~~[5.]~~ ***7.*** "Rehabilitation" includes structural improvements, landscaping and any other measure to improve the appearance of property or maintain property in a decent, safe and sanitary condition.

Sec. 40. NRS 279A.040 is hereby amended to read as follows:

279A.040 1. An applicant for a loan for the rehabilitation of residential property must, at the time application is made:

(a) Be a natural person who:

(1) Is a resident of or an owner of residential property in the city or an unincorporated area of the county, as the case may be;

(2) Is a member of a household ~~[having a gross income of less than 80 percent of the median gross income for households of the same size residing in the same county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development, or rents residential property to such households;]~~ ***eligible for affordable housing or attainable housing;***

(3) Owns and resides on or rents for residential purposes only the property for which the loan is sought;

(4) Has the financial resources to repay the loan in accordance with the terms of the agreement;

(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing ***or attainable housing*** to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to repay the loan in accordance with the terms of the agreement.

2. Any residential property for which a loan for rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 41. NRS 279B.010 is hereby amended to read as follows:

279B.010 The Legislature hereby finds and declares that:

1. There exists within the urban areas of this State a large number of deteriorated, substandard and unsanitary residential properties which have been abandoned by their owners;

2. These properties are a threat to the health, safety and well-being of the persons occupying neighboring properties;

3. There is also a shortage of decent ~~[, safe]~~ and ***safe*** affordable housing ~~[for persons of low or moderate income]~~ ***and attainable housing*** and the counties and cities of this State have an obligation to provide ~~[such persons]~~ ***their residents*** with an opportunity to obtain residential property;

4. It is in the public interest to encourage the preservation and maintenance of ***affordable housing and attainable*** housing in this State **,** ~~[for persons of low or moderate income,]~~ in order to improve ~~[their]~~ living conditions and, in doing so, to benefit the health, safety and welfare of the people of this State; and

5. The provisions of this chapter are in addition to, and do not abrogate or limit the application of, any other provisions of law granting to a county or city the authority to:

(a) Develop affordable housing ~~[,]~~ ***and attainable housing;*** and

(b) Rehabilitate abandoned residential properties.

Sec. 42. NRS 279B.020 is hereby amended to read as follows:

279B.020 As used in this chapter, unless the context otherwise requires:

1. "Abandoned residential property" means residential property which has been:

(a) Acquired by the governing body pursuant to the provisions of NRS 361.603 or subsection 3 of NRS 279B.100, or by a grant from the Federal Government, the state government or any political subdivision of the State;

(b) Declared to have been abandoned by the Federal Government, the state government or the governing body; and

(c) Determined by the governing body to be in need of rehabilitation because of its deteriorated, substandard or unsanitary condition.

2. ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

3. "Agency" means an agency of a county or city established or designated to administer a program.

4. "Attainable housing" has the meaning ascribed to it in section 18 of this act.

~~[3.]~~ ***5.*** "Governing body" means the governing body of a county or city.

~~[4.]~~ ***6.*** "Program" means a program for the rehabilitation of abandoned residential properties established by a governing body pursuant to this chapter.

~~[5.]~~ ***7.*** "Rehabilitation" includes structural improvements, landscaping and any other measure to improve the appearance of property or maintain property in a decent, safe and sanitary condition.

Sec. 43. NRS 279B.040 is hereby amended to read as follows:

279B.040 1. An applicant for rehabilitation of abandoned residential property must, at the time application is made:

(a) Be a natural person who:

(1) Is a resident of the city or an unincorporated area of the county, as the case may be;

(2) Is a member of a household ~~[having a gross income of less than 80 percent of the median gross income for households of the same size residing in the same county or city, as applicable, as that percentage is defined by the United States Department of Housing and Urban Development;]~~ ***eligible for affordable housing or attainable housing;***

(3) Intends to reside on the abandoned residential property for which the rehabilitation is sought;

(4) Has the financial resources to rehabilitate the abandoned residential property in accordance with the terms of the agreement;

(5) Has the ability to complete the rehabilitation within a reasonable time and maintain the property in a decent, safe and sanitary condition; and

(6) Meets such other requirements as are imposed by the governing body; or

(b) Be an organization that:

(1) Is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3) or 501(c)(4);

(2) Provides affordable housing ***or attainable housing*** to natural persons who meet the criteria set forth in subparagraphs (1) and (2) of paragraph (a); and

(3) Has the financial resources to rehabilitate the abandoned residential property in accordance with the terms of the agreement.

2. Any abandoned residential property for which an application for the rehabilitation is sought must be:

(a) Entirely situated within the boundaries of the city or within an unincorporated area of the county, as the case may be;

(b) Capable of rehabilitation within reasonable limits; and

(c) Subject to not more than two encumbrances.

Sec. 44. NRS 375.010 is hereby amended to read as follows:

375.010 1. The following terms, wherever used or referred to in this chapter, have the following meaning unless a different meaning clearly appears in the context:

(a) ***"Affordable housing" has the meaning ascribed to it in section 2 of this act.***

(b) "Attainable housing" has the meaning ascribed to it in section 18 of this act.

(c) "Buyer" means a person or other legal entity acquiring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantee or other transferee of real property.

~~[(b)]~~ ***(d)*** "Deed" means every instrument in writing, whatever its form and by whatever name it is known in law, by which title to any estate or present interest in real property, including a water right, permit, certificate or application, is conveyed or transferred to, and vested in, another person, except that the term does not include:

(1) A lease for any term of years;

(2) An easement;

(3) A deed of trust or common-law mortgage instrument that encumbers real property;

(4) A last will and testament;

(5) A distribution of the separate property of a decedent pursuant to chapter 134 of NRS;

(6) An affidavit of a surviving tenant;

(7) A conveyance of a right-of-way; or

(8) A conveyance of an interest in gas, oil or minerals.

~~[(c)]~~ ***(e)*** "Escrow" means the delivery of a deed by the seller into the hands of a third person, including an attorney, title company, real estate broker or other person engaged in the business of administering escrows for compensation, to be held by the third person until the happening of a contingency or performance of a condition, and then to be delivered by the third person to the buyer.

~~[(d)]~~ ***(f)*** "Seller" means a person or other legal entity transferring title to any estate or present interest in real property in this State by deed, including, without limitation, a grantor or other transferor of real property.

~~[(e)]~~ ***(g)*** "Value" means:

(1) In the case of any deed which is not a gift, the amount of the full purchase price paid or to be paid for the real property.

(2) In the case of a gift, or any deed with nominal consideration or without stated consideration, the estimated fair market value of the property.

2. As used in paragraph ~~[(e)]~~ ***(g)*** of subsection 1, "estimated fair market value" means the estimated price the real property would bring on the open market in a sale between a willing buyer and a willing seller. Such price may be derived from the assessor's taxable value or the prior purchase price, if the prior purchase was within the 5 years immediately preceding the date of valuation, whichever is higher.

Sec. 45. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the tax imposed by NRS 375.020 at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to 10 cents for each $500 of value or fraction thereof must be transmitted to the

State Controller who shall deposit that amount in the Account for Low-Income Housing created pursuant to NRS 319.500.

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

(c) The remaining proceeds must be transmitted to the State Controller for deposit in the Local Government Tax Distribution Account created by NRS 360.660 for credit to the respective accounts of Carson City and each county.

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

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

(a) The costs to acquire land and developmental rights;

(b) Related predevelopment expenses;

(c) The costs to develop the land, including the payment of related rebates;

(d) Contributions toward down payments made for the purchase of affordable housing ~~[.]~~ ***and attainable housing;*** and

(e) The creation of related trust funds.

Sec. 45.3. **NRS 651.050 is hereby amended to read as follows:**

651.050 As used in NRS 651.050 to 651.110, inclusive, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Place of public accommodation" means:

(a) Any inn, hotel, motel or other establishment which provides lodging to transient guests, except an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of the establishment as his residence;

(b) Any restaurant, bar, cafeteria, lunchroom, lunch counter, soda fountain, casino or any other facility where food or spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

(c) Any gasoline station;

(d) Any motion picture house, theater, concert hall, sports arena or other place of exhibition or entertainment;

(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;

(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;

(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;

(h) Any terminal, depot or other station used for specified public transportation;

(i) Any museum, library, gallery or other place of public display or collection;

(j) Any park, zoo, amusement park or other place of recreation;

(k) Any nursery, private school or university or other place of education;

(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;

(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;

(n) Any other establishment or place to which the public is invited or which is intended for public use; and

(o) Any establishment physically containing or contained within any of the establishments described in paragraphs (a) to (n), inclusive, which holds itself out as serving patrons of the described establishment.

3. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 45.5. **NRS 651.070 is hereby amended to read as follows:**

651.070 All persons are entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, without discrimination or segregation on the ground of race, color, religion, national origin ~~[or disability.]~~ ***, disability or sexual orientation.***

Sec. 45.7. **NRS 651.110 is hereby amended to read as follows:**

651.110 Any person who believes he has been denied full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation because of discrimination or segregation based on race, color, religion, national origin ***,*** ~~[or]~~ disability ***or sexual orientation*** may file a complaint to that effect with the Nevada Equal Rights Commission.

Sec. 46. The provisions of sections 9 to 13, inclusive, of this act expire by limitation when NRS 233J.010 expires by limitation. The provisions of section 14 of this act expire by limitation when NRS 233J.060 expires by limitation.

Sec. 47. 1. This section and sections 9 to 14, inclusive, of this act become effective on June 30, 2007.

2. Sections 1 to 8, inclusive, and 15 to 46, inclusive, of this act become effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblymen Hardy and Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that upon return from the printer Assembly Bill No. 255 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblymen Christensen and Arberry.

Roll call on Assembly Bill No. 142:

YEAS—42.

NAYS—None.

Assembly Bill No. 142 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblymen Mortenson, Goicoechea, and Carpenter.

Roll call on Assembly Bill No. 326:

YEAS—27.

NAYS—Allen, Beers, Carpenter, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—15.

Assembly Bill No. 326 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

The following amendment was proposed by Assemblymen Horne and Anderson:

Amendment No. 624.

"SUMMARY—Makes various changes to provisions governing the civil commitment of a person found not guilty by reason of insanity. (BDR 14-1155)"

"AN ACT relating to criminal procedure; providing for annual evaluations and the discharge or conditional release of a person who is committed to the custody of the Administrator of the Division of Mental Health and

Developmental Services of the Department of Health and Human Services after an acquittal by reason of insanity in certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a court to order a person who is acquitted by reason of insanity committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the court determines that there is clear and convincing evidence that the person is mentally ill. (NRS 175.539) Existing law provides that such a person committed to the custody of the Administrator is generally subject to the same procedures upon commitment as a person who is committed to the custody of the Administrator because he is incompetent to stand trial. (NRS 175.539, 178.400-178.460)

Sections 4-13 of this bill establish the procedures governing the discharge or conditional release of a person who is committed to the custody of the Administrator following an acquittal by reason of insanity. Section 10 provides that such a person is eligible for discharge or conditional release from custody if he establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or others. Section 11 provides that an initial hearing to determine whether a person is eligible for discharge or conditional release must be held not later than 60 days after the person has been committed to the custody of the Administrator, except in certain circumstances. Not later than 21 days before this hearing and annually thereafter, the Administrator shall prepare a report concerning the condition of the person and provide a copy of it to the person, his attorney, the prosecuting attorney and the court. **The opinion of the Administrator included in the report concerning whether or not the person should be discharged or conditionally released may be challenged by either the person committed to the custody of the Administrator or the district attorney.** Section 12 provides that if a person is not discharged or conditionally released from the custody of the Administrator following his initial hearing, the person may petition annually for a discharge or conditional release. Section 12 further provides that the Division may petition for a discharge or conditional release at any time if the petition is accompanied by the affidavit of a physician or licensed psychologist which states that the person's mental condition has improved since the most recent hearing concerning the discharge or conditional release of the person.

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

Section 1. NRS 175.539 is hereby amended to read as follows:

175.539 1. Where on a trial a defense of insanity is interposed by the defendant and he is acquitted by reason of that defense, the finding of the jury pending the judicial determination pursuant to subsection 2 has the same effect as if he were regularly adjudged insane, and the judge must:

(a) Order a peace officer to take the person into protective custody and transport him to a forensic facility for detention pending a hearing to determine his mental health;

(b) Order the examination of the person by two psychiatrists, two psychologists, or one psychiatrist and one psychologist who are employed by a division facility; and

(c) At a hearing in open court, receive the report of the examining advisers and allow counsel for the State and for the person to examine the advisers, introduce other evidence and cross-examine witnesses.

2. If the court finds, after the hearing:

(a) That there is not clear and convincing evidence that the person is a mentally ill person, the court must order his discharge; or

(b) That there is clear and convincing evidence that the person is a mentally ill person, the court must order that he be committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services until he is ~~[regularly]~~ discharged ***or conditionally released*** therefrom in accordance with ~~[law.]~~ ***sections 4 to 13, inclusive, of this act.***

➥ The court shall issue its finding within 90 days after the defendant is acquitted.

3. The Administrator shall make the ~~[same]~~ reports and the court shall proceed in the ~~[same]~~ manner ~~[in the case of a person committed to the custody of the Division of Mental Health and Developmental Services pursuant to this section as of a person committed because he is incompetent to stand trial pursuant to NRS 178.400 to 178.460, inclusive, except]~~ ***provided in sections 4 to 13, inclusive, of this act.*** ~~[that the determination to be made by the Administrator and the district judge on the question of release is whether the person has recovered from his mental illness or has improved to such an extent that he is no longer a mentally ill person.]~~

4. As used in this section, unless the context otherwise requires:

(a) "Division facility" has the meaning ascribed to it in NRS 433.094.

(b) "Forensic facility" means a secure facility of the Division of Mental Health and Developmental Services of the Department of Health and Human Services for mentally disordered offenders and defendants. The term includes, without limitation, Lakes Crossing Center.

(c) "Mentally ill person" has the meaning ascribed to it in ~~[NRS 433A.115.]~~ ***section 9 of this act.***

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 13, inclusive, of this act.

Sec. 4. ***As used in sections 4 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 5. ***"Administrator" means the Administrator of the Division.***

Sec. 6. ***"Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.***

Sec. 7. ***"Division facility" has the meaning ascribed to it in NRS 433.094.***

Sec. 8. ***"Mental disorder" means a mental illness that results from a psychiatric or neurological disorder that so substantially impairs the mental or emotional functioning of the person as to make care or treatment necessary or advisable for the welfare of the person or for the safety of the person or property of another and includes, without limitation, mental retardation and related conditions.***

Sec. 9. ***"Mentally ill person" means a person who has a mental disorder.***

Sec. 10. ***1. The Administrator or his designee shall keep each mentally ill person committed to his custody pursuant to NRS 175.539 under observation.***

2. A person committed to the custody of the Administrator pursuant to NRS 175.539 is eligible for:

(a) Discharge from commitment if the person establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or to the person or property of another if discharged; or

(b) Conditional release from commitment if the person establishes by a preponderance of the evidence that he would not be a danger, as a result of any mental disorder, to himself or to the person or property of another if released from commitment with conditions imposed by the court in consultation with the Division.

3. If a person who is conditionally released from the custody of the Administrator fails to comply with any condition imposed by the court, the court shall issue an order to have the person recommitted to the custody of the Administrator.

Sec. 11. ***1. Except as otherwise provided in this section, a court must hold a hearing not later than 60 days after:***

(a) A person is committed to the custody of the Administrator pursuant to NRS 175.539; or

(b) The Division or the person committed to the custody of the Administrator files a petition for discharge or conditional release pursuant to section 12 of this act.

2. During the hearing held pursuant to subsection 1, the court shall consider any relevant information that will enable the court to determine whether the person is eligible for discharge or conditional release pursuant to section 10 of this act. The court may postpone the hearing described in this subsection for good cause or upon agreement by the person committed to the custody of the Administrator, the court and the Division.

3. Not later than 21 days before the date of the hearing held pursuant to paragraph (a) of subsection 1 and annually thereafter, the Administrator

or his designee shall prepare a written report stating whether, in his opinion, upon medical consultation, the person who was committed to the custody of the Administrator has recovered from his mental disorder or has improved to such an extent that he is no longer a mentally ill person ~~[.]~~ ***and whether or not, in his opinion, the person should be discharged or conditionally released. If the Administrator or his designee determines that the person has not recovered from his mental disorder or has not improved to such an extent that he is no longer a mentally ill person, the Administrator or his designee shall include in the report his opinion concerning whether:***

(a) There is a substantial probability that the person may receive treatment and recover from his mental disorder or improve to such an extent that he is no longer a mentally ill person in the foreseeable future; and

(b) The person is at that time a danger to himself or to society.

4. If the opinion of Administrator included in the report prepared pursuant to subsection 3 provides that:

(a) The person committed to his custody should not be discharged or conditionally released, the person who is committed may overcome the opinion of the Administrator by proving the elements necessary for discharge or conditional release pursuant to subsection 2 of section 10 of this act by a preponderance of the evidence.

(b) The person committed to his custody should be discharged or conditionally released, the district attorney may overcome the opinion of the Administrator by proving by a preponderance of the evidence that the person continues to be a mentally ill person.

5. Within the period prescribed in subsection 3, the Administrator or his designee shall provide a copy of the report to:

(a) The person committed to the custody of the Administrator and his attorney;

(b) The prosecuting attorney; and

(c) The court.

Sec. 12. ***1. A person committed to the custody of the Administrator pursuant to NRS 175.539 may petition the court for discharge or conditional release not sooner than 1 year after the person is committed to the custody of the Administrator and not more than once each year thereafter.***

2. The Division may file a petition for the discharge or conditional release of a person committed to the custody of the Administrator pursuant to NRS 175.539 at any time if the petition is accompanied by an affidavit of a physician or licensed psychologist which states that the mental disorder of the person has improved since the date of the most recent hearing concerning the discharge or conditional release of the person such that the physician or licensed psychologist recommends the discharge or conditional release of the person.

3. A person who is committed to the custody of the Administrator pursuant to NRS 175.539 may apply for discharge or conditional release pursuant to subsection 1 by:

(a) Filing a petition for discharge or conditional release with the court that ordered the person committed pursuant to NRS 175.539; and

(b) Providing a copy of the petition to the Division and the prosecuting attorney.

4. The Division may file a petition for discharge or conditional release pursuant to subsection 2 by:

(a) Filing the petition with the court that ordered the person committed to the custody of the Administrator pursuant to NRS 175.539;

(b) Including with the petition an affidavit of a physician or licensed psychologist pursuant to subsection 2; and

(c) Providing a copy of the petition to the person committed to the custody of the Administrator, his attorney and the prosecuting attorney.

Sec. 13. ***1. When a person is conditionally released pursuant to sections 4 to 13, inclusive, of this act:***

(a) The State and any of its agents or employees are not liable for any debts or contractual obligations, medical or otherwise, incurred or damages caused by the actions of the person; and

(b) The court shall order the restoration of full civil and legal rights as deemed necessary to facilitate the person's rehabilitation.

2. When a person is conditionally released pursuant to sections 4 to 13, inclusive, of this act, the court shall order the Division to conduct an evaluation of the person as often as is deemed necessary to determine whether the person:

(a) Has complied with the conditions of his release; or

(b) Presents a clear and present danger of harm to himself or others.

3. The court may order a person who is conditionally released pursuant to sections 4 to 13, inclusive, of this act returned to the custody of the Administrator if the court determines that the conditional release is no longer appropriate because that person:

(a) Has violated a condition of his release; or

(b) Presents a clear and present danger of harm to himself or others.

Sec. 14. NRS 178.399 is hereby amended to read as follows:

178.399 As used in NRS ~~[178.400]~~ ***178.399*** to 178.460, inclusive, unless the context otherwise requires, "treatment to competency" means treatment provided to a defendant to attempt to cause him to attain competency to stand trial or receive pronouncement of judgment.

Sec. 15. The amendatory provisions of this act concerning the discharge or conditional release of a person committed to the custody of the Administrator of the Division of Mental Health and Developmental Services of the Department of Health and Human Services pursuant to NRS 175.539 apply to any such person who is in the custody of the Administrator on or after October 1, 2007.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblymen Manendo and Mabey.

Roll call on Assembly Bill No. 477:

YEAS—27.

NAYS—Allen, Beers, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—14.

NOT VOTING—Carpenter.

Assembly Bill No. 477 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 517:

YEAS—42.

NAYS—None.

Assembly Bill No. 517 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604.

Bill read third time.

The following amendment was proposed by Assemblymen Conklin and Koivisto:

Amendment No. 620.

"SUMMARY—Revises provisions governing petitions for statewide initiatives and referenda. (BDR 24-1396)"

"AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of certain initiatives or referenda to provide various information to the Secretary of State concerning campaign contributions, expenditures and expenses; requiring public hearings to be conducted concerning certain initiatives and referenda; requiring circulators of certain petitions to attach an affidavit to each document of the petition; requiring circulators of certain petitions to disclose their status as volunteer or paid circulators; authorizing the Legislative Counsel to provide technical suggestions regarding certain initiatives and referenda; providing a civil penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Chapter 294A of NRS governs campaign practices. NRS 294A.150 and 294A.220 require persons or groups of persons advocating the passage or defeat of a question on a ballot to submit reports to the Secretary of State on

campaign contributions, expenditures and expenses. Section 3 of this bill creates a new section for persons and groups of persons advocating the passage or defeat of a constitutional amendment or a statewide measure proposed by an initiative or referendum and that have received or expended at least $10,000 for that purpose. The provisions of this new section require such persons or groups to submit similar campaign contribution and expense reports to the Secretary of State on a different schedule and with certain additional information. Section 4 of this bill requires such persons and groups to appoint a resident agent who lives in Nevada, regardless of the amount of money they have received or expended. Section 5 of this bill requires such persons and groups to file an organizational statement with the Secretary of State, regardless of the amount of money they have received or expended. Section 6 of this bill requires such persons and groups who pay others to circulate petitions to disclose certain financial information to the Secretary of State. Section 13 of this bill provides that such persons and groups who violate section 3 are subject to civil penalties.

Chapter 295 of NRS governs petitions for statewide and local initiatives and referenda. Section 15 of this bill requires the Director of the Legislative Counsel Bureau to hold public hearings on statewide initiatives and referenda. Section 16 of this bill requires petition circulators to attach an affidavit to each document of a petition attesting to the veracity of each signature. Section 17 of this bill prohibits paying people to sign petitions. Section 18 of this bill requires petition circulators to disclose whether they are paid or volunteer circulators.

Existing law requires the Secretary of State to consult with the Fiscal Analysis Division of the Legislative Counsel Bureau regarding the possible financial effect on the State of any initiative or referendum. (NRS 295.015) Section 20 of this bill requires the Secretary of State also to consult with the Legislative Counsel regarding each initiative or referendum and authorizes the Legislative Counsel to make technical suggestions regarding the petition.

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

Section 1. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on his Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388; and

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120,

294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 [.] ***and section 3 of this act.***

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 2. Chapter 294A of NRS is hereby amended by adding thereto the sections set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:***

(a) Each campaign contribution in excess of $100 received during each period described in subsection 2;

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed $100;

(c) Each expenditure in excess of $100 the person or group of persons makes during each period described in subsection 2; and

(d) The total amount of money the person or group of persons has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person or group of persons required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution, as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each 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 applicable reporting period.

4. 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 each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373; and

(b) Be signed by the person or a representative of the group of persons under penalty of perjury.

6. A person or group of persons may mail or transmit each report to the Secretary of State by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.

7. 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.

Sec. 4. ***Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum shall appoint and keep within this State a resident agent who must be a natural person who resides in this State.***

Sec. 5. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, before engaging in any such advocacy in this State, shall file a statement of organization with the Secretary of State as provided in subsection 2.***

2. Each statement of organization must include:

(a) The name of the person or group of persons;

(b) The purpose for which the person or group of persons is organized;

(c) The names ~~*[,]*~~ ***and addresses*** ~~*[and telephone numbers]*~~ ***of any officers of the person or group of persons;***

(d) If the person or group of persons is affiliated with or is retained by any other person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name ~~*[,]*~~ ***and address*** ~~*[and telephone number]*~~ ***of each such other person or group; and***

(e) The name, address and telephone number of the resident agent of the person or group of persons.

3. A person or group of persons which has filed a statement of organization pursuant to this section shall file an amended statement with the Secretary of State within 30 days of any changes to the information required pursuant to subsection 2.

Sec. 6. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum that provides compensation to persons to circulate petitions shall report to the Secretary of State:***

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The Secretary of State shall make public any information received pursuant to this section.

Sec. 7. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. ~~[Every]~~ ***Except as otherwise provided in section 3 of this act, 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 ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation]~~ 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 ***;*** ~~[or each year in which a person or group receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ 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. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation 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 ***,*** ~~[or is receiving or expending money to support a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by question or petition.

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

294A.220 1. ~~[Every]~~ ***Except as otherwise provided in section 3 of this act, 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 ~~[and every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation]~~ 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 ***;*** ~~[or each year in which a person or group of persons receives or expends money in excess of $10,000 to support the initiation or circulation of a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum;]~~ 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. ~~[Every person or group of persons who initiates or circulates a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or a referendum and who receives or expends money in an amount in excess of $10,000 to support such initiation or circulation 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 **,** ~~[or a group of petitions for constitutional amendments, a group of petitions for statewide measures proposed by initiative or referendum or a group of petitions for both constitutional amendments and statewide measures proposed by initiative or referendum,]~~ the reports must be itemized by question or petition. 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.

Sec. 9. 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 3 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. 10. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 [.] ***and section 3 of this act.***

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party and group that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party or group that is required to use the form.

Sec. 11. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

4. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360, ***or section 3 of this act,***

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 ***or section 3 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.100 or 294A.420 must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 12. 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.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, ***and***

section 3 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 from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

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

4. 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.

5. 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.

Sec. 13. 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.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 3 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.128, 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 3 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.

Sec. 14. Chapter 295 of NRS is hereby amended by adding thereto the sections set forth as sections 15 to 18, inclusive, of this act.

Sec. 15. ***1. The Director of the Legislative Counsel Bureau shall hold a public hearing on each petition for initiative or referendum that has been filed with the Secretary of State.***

2. Each public hearing required pursuant to this section must be held not later than 10 days nor more than 20 days before the general election at which the initiative or referendum is submitted for popular vote.

3. The Legislative Counsel Bureau shall provide such staff as is necessary to provide appropriate research and analysis of the initiative or referendum at each public hearing required pursuant to this section.

4. Each public hearing required pursuant to this section must be an opportunity for public discussion of:

(a) Technical matters relating to the petition, including, without limitation, compliance with the requirements of NRS 295.009; and

(b) The substantive content of the initiative or referendum.

Sec. 16. ***A petition for initiative or referendum may consist of more than one document. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:***

1. That he personally circulated the document;

2. The number of signatures thereon;

3. That all the signatures were affixed in his presence;

4. That he believes the signatures to be the genuine signatures of the persons whose names they purport to be; and

5. That each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded.

Sec. 17. ***A person shall not give compensation of any kind to any person in exchange for signing a petition for initiative or referendum.***

Sec. 18. ***Each person circulating a petition for initiative or referendum who:***

1. Is not receiving or will not receive any compensation for circulating the petition shall disclose to signers of the petition his status as a volunteer;

2. Is receiving or will receive any compensation for circulating the petition shall disclose to signers of the petition his status as a paid circulator.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, a copy of the petition for initiative or referendum, including the description required pursuant to NRS 295.009, must be placed on file with the Secretary of State.

2. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 ~~[, the]~~ ***:***

(a) The Secretary of State shall 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. 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.

(b) The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

3. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1, the Secretary of State shall post a copy of the petition, including the description required pursuant to NRS 295.009 ***,*** ~~[and]~~ any fiscal note prepared pursuant to subsection 2 ~~[.]~~ ***and any suggestions made by the Legislative Counsel pursuant to subsection 2,*** on his Internet website.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 606.

Bill read third time.

The following amendment was proposed by Assemblymen Conklin and Koivisto:

Amendment No. 619.

"SUMMARY—Revises provisions relating to petitions for statewide initiatives and referenda. (BDR 24-1395)"

"AN ACT relating to elections; requiring certain persons or groups of persons advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum to register with the Secretary of State; prohibiting the compensation of persons who gather signatures on certain petitions on the basis of the number of signatures gathered; requiring persons who gather signatures on certain petitions to be residents of this State; requiring the Secretary of State to make public certain information; amending provisions relating to legal challenges to certain petitions; providing a civil penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Chapter 294A of NRS governs campaign practices. Section 2 of this bill requires certain persons or groups of persons advocating the passage or defeat of a statewide initiative or referendum to register with the Secretary of State. Section 3 of this bill prohibits the compensation of persons who gather signatures on statewide initiative and referendum petitions on a per-signature basis. Section 4 of this bill requires each person gathering signatures on a petition to be a resident of Nevada. Section 5 of this bill provides that a person or group of persons required to register with the Secretary of State pursuant to section 3 who fail to so register or who compensate a signature gatherer in violation of section 3 is subject to a civil penalty.

Chapter 295 of NRS governs petitions for statewide and local initiatives and referenda. Section 7 of this bill requires the Secretary of State to make public certain information regarding petition signatures. Section 8 of this bill provides that the use of an intentional misrepresentation or other fraudulent means to obtain signatures on petitions or forging signatures on petitions is prohibited and provides that the consequence of such behavior is the invalidation of signatures collected by the person found to have committed such behavior or the invalidation of all signatures collected on behalf of the group found to have committed such behavior.

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

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. Each person or group of persons organized formally or informally who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum shall register, before engaging in any such advocacy in this State, with the Secretary of State on forms supplied by the Secretary of State.***

2. The form must require:

(a) The name of the person or group;

(b) The purpose for which the person or group is organized;

(c) The names ~~*[,]*~~ ***and addresses*** ~~*[and telephone numbers]*~~ ***of any officers of the person or group; and***

(d) If the person or group is affiliated with or is retained by any other person or group for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name ~~*[,]*~~ ***and address*** ~~*[and telephone number]*~~ ***of each such other person or group.***

Sec. 3. ***A person or group of persons organized formally or informally who compensates in any way a person who gathers signatures on a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum shall not compensate such a person on the basis of the number of signatures gathered.***

Sec. 4. ***Each person who gathers signatures on a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum must be a resident of this State.***

Sec. 5. 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.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 ***or section 2 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.128, 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 2 or 3 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.

Sec. 6. Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. ***After a petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum is submitted for signature verification to the county clerk, the county clerk shall make true and correct copies of all the documents of the petition and signatures thereon and shall make such copies and signatures available to the public for a period of not less than 14 days.***

Sec. 8. ***1. A person or group of persons who is required to register pursuant to section 2 of this act or a person who circulates a petition to collect signatures in support thereof on behalf of such a person or group of persons shall not:***

(a) Intentionally misrepresent the contents of a petition or the effect that such a petition would have if enacted into law or otherwise engage in any fraudulent behavior to induce another person to sign a petition; or

(b) Forge signatures on such a petition.

2. If the Secretary of State receives information indicating that a person or group has violated the provisions of subsection 1, the Secretary of State may, after giving notice to that person and the person or group who is required to register with the Secretary of State pursuant to section 2 of this act, cause the appropriate proceedings to be instituted in the First Judicial District Court.

3. If the First Judicial District Court determines that the person or group violated the provisions of subsection 1, the First Judicial District

Court shall disqualify all the signatures that were collected by that person or all the signatures collected on behalf of the group, unless the person or group who is required to register with the Secretary of State pursuant to section 2 of this act proves by clear and convincing evidence that each person who signed the documents of the petition circulated by that person or group intended to sign and support the petition despite the misrepresentations or other fraudulent behavior.

Sec. 9. **(Deleted by amendment.)**

Sec. 10. **(Deleted by amendment.)**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 304.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 444.

"SUMMARY—Makes various changes to provisions relating to manufactured home parks. (BDR 10-1119)"

"AN ACT relating to manufactured home parks; revising the provisions relating to the review of rental agreements and other residency documents; revising the provisions relating to certain repairs to a manufactured home; making changes pertaining to rules and regulations of a manufactured home park; revising the provisions relating to meetings between a landlord and tenants under certain circumstances; requiring a landlord to pay certain costs associated with the conversion of a manufactured home park; increasing the amount of the limitation on the lien of a landlord; prohibiting local governing bodies from restricting the installation of certain manufactured homes; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes provisions relating to rental agreements and other residency documents. (NRS 118B.040) Section 1 of this bill removes the requirement that a landlord must allow a tenant to review such documents for 72 hours during which time a landlord is not prevented from accepting another tenant for the same residency. Instead, section 1 requires a landlord to give a prospective tenant a copy of the rental agreement ~~[and]~~ **, a copy of the rules and regulations of the manufactured home park,** any existing notices of the sale, closure or conversion of the manufactured home park ~~[at the time the tenant makes an application for tenancy.]~~ **and any other residency documents before requiring or accepting any application fee.**

Existing law sets forth requirements relating to the repair of a manufactured home and prohibits a landlord from allowing a third party to make such repairs under certain circumstances. (NRS 118B.097) Section 2 of this bill ~~[adds a nonexclusive list of repairs that affect life, health or safety.]~~

replaces a prohibition on allowing a third party to make repairs that affect life, health or safety with a list of specific repairs that a landlord may not allow a third party to make. Section 2 also prohibits landlords from employing certain persons to make such repairs.

Section 3 of this bill revises the provisions relating to a landlord's adoption of rules and regulations concerning a manufactured home park and provides that a properly adopted or amended rule or regulation supersedes any inconsistent prior rule or regulation. (NRS 118B.100) Section 3 also requires a landlord to provide a copy of such rules and regulations to a tenant at the time the tenant enters into a rental agreement.

Existing law establishes provisions relating to meetings between a landlord and representative groups of tenants to hear complaints and suggestions regarding a manufactured home park. (NRS 118B.110) Section 4 of this bill **provides for a natural person designated by the owner to meet with tenants for such purposes. Section 4 also prohibits a manager** ~~[who resides at the park]~~ from meeting with tenants for such purposes unless the manager ~~[is also the landlord.]~~ **, the landlord and the owner are all the same natural person.**

Existing law requires a landlord to pay to a tenant the fair market value of a manufactured home under certain circumstances during the conversion of a manufacture home park. (NRS 118B.183) Section 5 of this bill requires a landlord to pay costs associated with determining the market value of such manufactured homes and the reasonable cost of removing and disposing of such homes.

Section 6 of this bill increases the limitation on the amount of a lien that a landlord may hold for the total amount due and unpaid for rentals and utilities from $2,000 to $5,000.

Existing law allows local governing bodies to adopt certain ordinances and regulations relating to manufactured homes. (NRS 278.0209, 278.02095, 489.288) Sections 7-9 of this bill prohibit local governing bodies from restricting the installation of manufactured homes based on their date of manufacture.

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

Section 1. NRS 118B.040 is hereby amended to read as follows:

118B.040 1. ~~[An approved applicant for residency may request 72 hours to review the proposed rental agreement or lease, the rules and regulations of the manufactured home park and other residency documents. Upon receiving such a request, the landlord shall allow the approved applicant to review the documents for 72 hours. This review period does not, however, prevent the landlord from accepting another tenant for the space or residency while the 72 hours is pending.]~~

Before requiring or accepting payment of any application fee, a landlord shall give to a prospective tenant who may rent or lease manufactured home lot:

(a) A copy of the rental agreement or lease;

(b) A copy of the rules and regulations governing the manufactured home park;

(c) Any notices of the sale, closure or conversion of the manufactured home park that must be provided to tenants pursuant to the provisions of this chapter; and

(d) Any other residency documents.

2. A rental agreement or lease between a landlord and ~~*[prospective]*~~ tenant to rent or lease any manufactured home lot must be in writing. ~~[The landlord shall give the *prospective* tenant]~~ [a] ~~*[, at the time the prospective tenant makes an application for tenancy:*~~

~~*(a) A* copy of the agreement or lease]~~ [at the time the tenant signs it.]

3. ~~*[; and*~~

~~*(b) Any notices of the sale, closure or conversion of the manufactured home park that must be provided to tenants pursuant to the provisions of this chapter.*~~

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

(a) The duration of the agreement.

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

(c) Restrictions on occupancy by children or pets.

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

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

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

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

(h) Any restrictions on subletting.

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

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

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

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

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

(1) A nuisance.

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

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118B.143.

(o) The amount to be charged each month to the tenant to reimburse the landlord for the cost of a capital improvement to the manufactured home park. Such an amount must be stated separately and include the length of

time the charge will be collected and the total amount to be recovered by the landlord from all tenants in the manufactured home park.

Sec. 2. NRS 118B.097 is hereby amended to read as follows:

118B.097 If a repair to a manufactured home may affect ~~[life, health or safety, including, without limitation, any repair to]~~ ***the structural, electrical, plumbing, drainage, roofing, mechanical or solid fuel burning systems of the home, or*** ~~*[any other repair that]*~~ ***requires a permit*** ~~*[to be issued by a local jurisdiction]*~~ ***before the repair may be made,*** ~~[and]~~ the repair may be performed legally only by a person who is qualified by licensure ~~[or certification]~~ to perform such a repair ~~[:]~~ ***, and:***

1. A person shall not perform the repair unless he has such qualifications; and

2. A tenant or a landlord, or his agent or employee, shall not ~~[allow]~~ ***employ*** a third party to perform the repair if he knows or, in light of all the surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications.

Sec. 3. NRS 118B.100 is hereby amended to read as follows:

118B.100 1. The landlord may adopt rules or regulations concerning the tenant's use and occupancy of the manufactured home lot and the grounds, areas and facilities of the manufactured home park held out for the use of tenants generally.

2. All such rules or regulations must be:

(a) Reasonably related to the purpose for which they are adopted;

(b) Sufficiently explicit in their prohibition, direction or limitation to inform the tenant of what he must do or not do for compliance;

(c) Adopted in good faith and not for the purpose of evading any obligation of the landlord arising under the law;

(d) Consistent with the provisions of this chapter and a general plan of operation, construction or improvement, and must not arbitrarily restrict conduct or require any capital improvement by the tenant which is not specified in the rental agreement or unreasonably require a change in any capital improvement made by the tenant and previously approved by the landlord unless the landlord can show that it is in the best interest of the other tenants; and

(e) Uniformly enforced against all tenants in the park, including the managers. Any rule or regulation which is not so uniformly enforced may not be enforced against any tenant.

3. No rule or regulation may be used to impose any additional charge for occupancy of a manufactured home lot or modify the terms of a rental agreement.

4. Except as otherwise provided in subsection 5, a rule or regulation is enforceable against the tenant only if he has notice of it at the time he enters into the rental agreement. A rule or regulation adopted or amended after the tenant enters into the rental agreement is not enforceable unless the tenant consents to it in writing or is given 60 days' notice of it in writing. The

landlord may not adopt or amend a rule or regulation of the park unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposed adoption or amendment of the rule or regulation. A notice in a periodic publication of the park does not constitute notice for the purposes of this subsection.

5. A rule or regulation pertaining to recreational facilities in the manufactured home park must be in writing to be enforceable.

6. ~~*[If a]*~~ ***A rule or regulation*** ~~*[is]*~~ ***adopted or amended in compliance with the provisions of this section*** ~~*[, the adopted or amended rule or regulation]*~~ ***supersedes any previously existing rule or regulation that conflicts with the adopted or amended rule or regulation. Only one version of any rules and regulations or any architectural standards may be in effect at any given time.***

7. The landlord shall provide the tenant with a copy of the existing rules and regulations at the time the tenant enters into the rental agreement.

8. As used in this section, "capital improvement" means an addition or betterment made to a manufactured home located on a lot in a manufactured home park which is leased by the landlord that:

(a) Consists of more than the repair or replacement of an existing facility;

(b) Is required by federal law to be amortized over its useful life for the purposes of income tax; and

(c) Has a useful life of 5 years or more.

Sec. 4. NRS 118B.110 is hereby amended to read as follows:

118B.110 1. The landlord ***or a person designated pursuant to subsection 3*** shall meet with a representative group of tenants occupying the park, chosen by the tenants, to hear any complaints or suggestions which concern a matter relevant to the park within 45 days after he receives a written request to do so which has been signed by persons occupying at least 25 percent of the lots in the park. The 25 percent must be calculated on the basis of one signature per occupied lot. The meeting must be held at a time and place which is convenient to the landlord ***or person designated pursuant to subsection 3*** and ***to*** the tenants. The representative group of tenants must consist of no more than five persons.

2. At least 10 days before any meeting is held pursuant to this section, the landlord or his agent shall post a notice of the meeting in a conspicuous place in a common area of the park.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** the landlord is ~~*[a:*~~

~~(a) Sole proprietorship, the owner or an authorized agent or representative designated by the owner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.~~

~~(b) Partnership, a partner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.~~

~~(c) Corporation, an officer designated by the corporation]~~ ***not a natural person, the owner may designate an authorized agent or representative*** who has working knowledge of the operations of the park and ***who has*** authority to make decisions ~~[shall meet with the tenants.]~~ ***concerning matters relevant to the park to meet with the tenants pursuant to this subsection.***

4. ***A manager*** ~~*[who resides at the park must not be designated to]*~~ ***may not meet with the tenants pursuant to this section unless the manager*** ~~*[is the landlord.]*~~ ***, the landlord and the owner are all the same natural person.***

5. If an attorney for the landlord attends a meeting held pursuant to this section, the landlord shall not prohibit the group of tenants from being represented by an attorney at that meeting.

~~[5.]~~ ***6.*** If the landlord of a manufactured home park is a cooperative association or a corporation for public benefit, the landlord shall provide a notice of the meeting to the Administrator and the Administrator or his representative shall attend the meeting.

~~[6.]~~ ***7.*** As used in this section:

(a) "Cooperative association" means an association formed pursuant to the provisions of NRS 81.170 to 81.270, inclusive.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

Sec. 5. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 3 or 4, in accordance with the choice of the tenant; and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

3. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

4. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

5. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

6. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

7. ***The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home pursuant to subsection 6.***

8. The provisions of this section do not apply to a corporate cooperative park.

Sec. 6. NRS 108.290 is hereby amended to read as follows:

108.290 1. If property that is the subject of a lien which is acquired as provided in NRS 108.270 to 108.360, inclusive, is the subject of a secured transaction in accordance with the laws of this State, the lien:

(a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien.

(b) In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:

(1) For the first 30 days of the lien:

(I) If the amount of the lien does not exceed $1,000, is a first lien.

(II) If the amount of the lien exceeds $1,000, is a second lien.

(2) After the first 30 days of the lien:

(I) If the amount of the lien does not exceed $2,500, is a first lien.

(II) If the amount of the lien exceeds $2,500, is a second lien.

(c) In all other cases, if the amount of the lien:

(1) Does not exceed $1,000, is a first lien.

(2) Exceeds $1,000, is a second lien.

2. The lien of a landlord may not exceed ~~[$2,000]~~ ***$5,000*** or the total amount due and unpaid for rentals and utilities, whichever is the lesser.

Sec. 7. NRS 278.0209 is hereby amended to read as follows:

278.0209 1. In any ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include factory-built housing that has been built in compliance with the standards for single-family residential dwellings of the Uniform Building Code most recently adopted by the International Conference of Building Officials.

2. An ordinance of the governing body may require factory-built housing to comply with standards for safety which exceed the standards prescribed in subsection 1 if a single-family residential dwelling on the same lot is also required to comply with those standards.

3. The governing body shall adopt the same standards for development for the factory-built housing and the lot on which it is placed as those to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to:

(a) Requirements for the setback of buildings.

(b) Side and rear-yard requirements.

(c) Standards for enclosures, access and the parking of vehicles.

(d) Aesthetic requirements.

(e) Requirements for minimum square footage.

(f) Requirements for design, style and structure.

4. The governing body may prohibit the installation of factory-built housing in a specified area if ~~[~~:

~~(a) More than 5 years have elapsed between the date of manufacture of factory-built housing and the date of the application for the issuance of a permit to install factory-built housing in the affected area; or~~

~~(b) The~~] ***the*** area contains a building, structure or other object having a special character or special historical interest or value.

5. As used in this section, "factory-built housing" has the meaning ascribed to it in NRS 461.080.

6. The provisions of this section do not abrogate a recorded restrictive covenant.

Sec. 8. NRS 278.02095 is hereby amended to read as follows:

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing

body, the definition of "single-family residence" must include a manufactured home.

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

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

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

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

~~[(4)]~~ ***(3)*** Consist of more than one section; and

~~[(5)]~~ ***(4)*** Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

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

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

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

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

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

6. As used in this section:

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

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

Sec. 9. NRS 489.288 is hereby amended to read as follows:

489.288 Except as otherwise provided in NRS 278.02095:

1. A local governing body may adopt ordinances and regulations which, except for ordinances and regulations regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244, are no more stringent than the provisions of this chapter, the regulations adopted pursuant to this chapter and applicable federal statutes and regulations. Compliance with an ordinance or regulation of a local governing body does not excuse any person from compliance with this chapter and the regulations adopted pursuant to this chapter.

2. ***A local governing body shall not prohibit the installation of a manufactured home based on its date of manufacture if the manufactured home otherwise complies with the provisions of this chapter and the regulations adopted pursuant to this chapter governing health and safety.***

3. The provisions of this chapter and the regulations adopted pursuant to this chapter supersede and preempt any ordinance or regulation of a local governing body that is more stringent than those provisions, except for an ordinance or regulation regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244.

Sec. 10. The amendatory provisions of section 6 of this act do not apply to a lien that attaches before October 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by the Speaker of the Assembly:

Amendment No. 622.

"SUMMARY—Makes various changes to provisions relating to manufactured home parks. (BDR 10-1119)"

"AN ACT relating to manufactured home parks; revising the provisions relating to the review of rental agreements and other residency documents; revising the provisions relating to certain repairs to a manufactured home; making changes pertaining to rules and regulations of a manufactured home park; revising the provisions relating to meetings between a landlord and tenants under certain circumstances; requiring a landlord to pay certain costs associated with the conversion of a manufactured home park; ~~[increasing the amount of the limitation on the lien of a landlord;]~~ prohibiting local governing bodies from restricting the installation of certain manufactured homes; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes provisions relating to rental agreements and other residency documents. (NRS 118B.040) Section 1 of this bill removes the requirement that a landlord must allow a tenant to review such documents for 72 hours during which time a landlord is not prevented from accepting

another tenant for the same residency. Instead, section 1 requires a landlord to give a prospective tenant a copy of the rental agreement and any existing notices of the sale, closure or conversion of the manufactured home park at the time the tenant makes an application for tenancy.

Existing law sets forth requirements relating to the repair of a manufactured home and prohibits a landlord from allowing a third party to make such repairs under certain circumstances. (NRS 118B.097) Section 2 of this bill adds a nonexclusive list of repairs that affect life, health or safety. Section 2 also prohibits landlords from employing certain persons to make such repairs.

Section 3 of this bill revises the provisions relating to a landlord's adoption of rules and regulations concerning a manufactured home park and provides that a properly adopted or amended rule or regulation supersedes any inconsistent prior rule or regulation. (NRS 118B.100) Section 3 also requires a landlord to provide a copy of such rules and regulations to a tenant at the time the tenant enters into a rental agreement.

Existing law establishes provisions relating to meetings between a landlord and representative groups of tenants to hear complaints and suggestions regarding a manufactured home park. (NRS 118B.110) Section 4 of this bill prohibits a manager who resides at the park from meeting with tenants for such purposes unless the manager is also the landlord.

Existing law requires a landlord to pay to a tenant the fair market value of a manufactured home under certain circumstances during the conversion of a manufacture home park. (NRS 118B.183) Section 5 of this bill requires a landlord to pay costs associated with determining the market value of such manufactured homes and the reasonable cost of removing and disposing of such homes.

~~[Section 6 of this bill increases the limitation on the amount of a lien that a landlord may hold for the total amount due and unpaid for rentals and utilities from $2,000 to $5,000.]~~

Existing law allows local governing bodies to adopt certain ordinances and regulations relating to manufactured homes. (NRS 278.0209, 278.02095, 489.288) Sections 7-9 of this bill prohibit local governing bodies from restricting the installation of manufactured homes based on their date of manufacture.

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

Section 1. NRS 118B.040 is hereby amended to read as follows:

118B.040 1. ~~[An approved applicant for residency may request 72 hours to review the proposed rental agreement or lease, the rules and regulations of the manufactured home park and other residency documents. Upon receiving such a request, the landlord shall allow the approved applicant to review the documents for 72 hours. This review period does not,~~

~~however, prevent the landlord from accepting another tenant for the space or residency while the 72 hours is pending.~~

~~2.]~~ A rental agreement or lease between a landlord and ***prospective*** tenant to rent or lease any manufactured home lot must be in writing. The landlord shall give the ***prospective*** tenant ~~[a]~~ ***, at the time the prospective tenant makes an application for tenancy:***

(a) A copy of the agreement or lease ~~[at the time the tenant signs it.~~

~~3.]~~ ***; and***

(b) Any notices of the sale, closure or conversion of the manufactured home park that must be provided to tenants pursuant to the provisions of this chapter.

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

(a) The duration of the agreement.

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

(c) Restrictions on occupancy by children or pets.

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

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

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

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

(h) Any restrictions on subletting.

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

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

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

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

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

(1) A nuisance.

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

(n) Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118B.143.

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

Sec. 2. NRS 118B.097 is hereby amended to read as follows:

118B.097 If a repair to a manufactured home may affect life, health or safety ***, including, without limitation, any repair to the structural, electrical,***

plumbing, drainage, roofing, mechanical or solid fuel burning systems or any other repair that requires a permit to be issued by a local jurisdiction before the repair may be made, and the repair may be performed legally only by a person who is qualified by licensure or certification to perform such a repair:

1. A person shall not perform the repair unless he has such qualifications; and

2. A tenant or a landlord, or his agent or employee, shall not ~~[allow]~~ ***employ*** a third party to perform the repair if he knows or, in light of all the surrounding facts and circumstances, reasonably should know that the third party does not have such qualifications.

Sec. 3. NRS 118B.100 is hereby amended to read as follows:

118B.100 1. The landlord may adopt rules or regulations concerning the tenant's use and occupancy of the manufactured home lot and the grounds, areas and facilities of the manufactured home park held out for the use of tenants generally.

2. All such rules or regulations must be:

(a) Reasonably related to the purpose for which they are adopted;

(b) Sufficiently explicit in their prohibition, direction or limitation to inform the tenant of what he must do or not do for compliance;

(c) Adopted in good faith and not for the purpose of evading any obligation of the landlord arising under the law;

(d) Consistent with the provisions of this chapter and a general plan of operation, construction or improvement, and must not arbitrarily restrict conduct or require any capital improvement by the tenant which is not specified in the rental agreement or unreasonably require a change in any capital improvement made by the tenant and previously approved by the landlord unless the landlord can show that it is in the best interest of the other tenants; and

(e) Uniformly enforced against all tenants in the park, including the managers. Any rule or regulation which is not so uniformly enforced may not be enforced against any tenant.

3. No rule or regulation may be used to impose any additional charge for occupancy of a manufactured home lot or modify the terms of a rental agreement.

4. Except as otherwise provided in subsection 5, a rule or regulation is enforceable against the tenant only if he has notice of it at the time he enters into the rental agreement. A rule or regulation adopted or amended after the tenant enters into the rental agreement is not enforceable unless the tenant consents to it in writing or is given 60 days' notice of it in writing. The landlord may not adopt or amend a rule or regulation of the park unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposed adoption or amendment of the rule or

regulation. A notice in a periodic publication of the park does not constitute notice for the purposes of this subsection.

5. A rule or regulation pertaining to recreational facilities in the manufactured home park must be in writing to be enforceable.

6. ***If a rule or regulation is adopted or amended in compliance with the provisions of this section, the adopted or amended rule or regulation supersedes any previously existing rule or regulation that conflicts with the adopted or amended rule or regulation.***

7. The landlord shall provide the tenant with a copy of the existing rules and regulations at the time the tenant enters into the rental agreement.

8. As used in this section, "capital improvement" means an addition or betterment made to a manufactured home located on a lot in a manufactured home park which is leased by the landlord that:

(a) Consists of more than the repair or replacement of an existing facility;

(b) Is required by federal law to be amortized over its useful life for the purposes of income tax; and

(c) Has a useful life of 5 years or more.

Sec. 4. NRS 118B.110 is hereby amended to read as follows:

118B.110 1. The landlord shall meet with a representative group of tenants occupying the park, chosen by the tenants, to hear any complaints or suggestions which concern a matter relevant to the park within 45 days after he receives a written request to do so which has been signed by persons occupying at least 25 percent of the lots in the park. The 25 percent must be calculated on the basis of one signature per occupied lot. The meeting must be held at a time and place which is convenient to the landlord and the tenants. The representative group of tenants must consist of no more than five persons.

2. At least 10 days before any meeting is held pursuant to this section, the landlord or his agent shall post a notice of the meeting in a conspicuous place in a common area of the park.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** the landlord is a:

(a) Sole proprietorship, the owner or an authorized agent or representative designated by the owner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.

(b) Partnership, a partner who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.

(c) Corporation, an officer designated by the corporation who has working knowledge of the operations of the park and authority to make decisions shall meet with the tenants.

4. ***A manager who resides at the park must not be designated to meet with the tenants unless the manager is the landlord.***

5. If an attorney for the landlord attends a meeting held pursuant to this section, the landlord shall not prohibit the group of tenants from being represented by an attorney at that meeting.

~~[5.]~~ ***6.*** If the landlord of a manufactured home park is a cooperative association or a corporation for public benefit, the landlord shall provide a notice of the meeting to the Administrator and the Administrator or his representative shall attend the meeting.

~~[6.]~~ ***7.*** As used in this section:

(a) "Cooperative association" means an association formed pursuant to the provisions of NRS 81.170 to 81.270, inclusive.

(b) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.

Sec. 5. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to each tenant within 5 days after he files his application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amount described in subsection 3 or 4, in accordance with the choice of the tenant; and

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before he is required to move his manufactured home from the lot.

3. If the tenant chooses to move the manufactured home, the landlord shall pay to the tenant:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location within 50 miles from the manufactured home park; or

(b) If the new location is more than 50 miles from the manufactured home park, the cost of moving the manufactured home for the first 50 miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his manufactured home and its appurtenances in the new lot or park.

4. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged, or there is no manufactured home park within 50 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home less the reasonable cost of removing and disposing of the manufactured home.

5. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

6. For the purposes of this section, the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home must be determined by:

(a) A dealer licensed pursuant to chapter 489 of NRS who is agreed upon by the landlord and tenant; or

(b) If the landlord and tenant cannot agree pursuant to paragraph (a), a dealer licensed pursuant to chapter 489 of NRS who is selected for this purpose by the Division.

7. ***The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the reasonable cost of removing and disposing of a manufactured home pursuant to subsection 6.***

8. The provisions of this section do not apply to a corporate cooperative park.

Sec. 6. ~~[NRS 108.290 is hereby amended to read as follows:~~

~~108.290 1. If property that is the subject of a lien which is acquired as provided in NRS 108.270 to 108.360, inclusive, is the subject of a secured transaction in accordance with the laws of this State, the lien:~~

~~(a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien.~~

~~(b) In the case of a lien on a motor vehicle for charges for towing, storing and any related administrative fees:~~

~~(1) For the first 30 days of the lien:~~

~~(I) If the amount of the lien does not exceed $1,000, is a first lien.~~

~~(II) If the amount of the lien exceeds $1,000, is a second lien.~~

~~(2) After the first 30 days of the lien:~~

~~(I) If the amount of the lien does not exceed $2,500, is a first lien.~~

~~(II) If the amount of the lien exceeds $2,500, is a second lien.~~

~~(c) In all other cases, if the amount of the lien:~~

~~(1) Does not exceed $1,000, is a first lien.~~

~~(2) Exceeds $1,000, is a second lien.~~

~~2. The lien of a landlord may not exceed [$2,000] *$5,000* or the total amount due and unpaid for rentals and utilities, whichever is the lesser.]~~

(Deleted by amendment.)

Sec. 7. NRS 278.0209 is hereby amended to read as follows:

278.0209 1. In any ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include factory-built housing that has been built in compliance with the standards for single-family residential dwellings of the Uniform Building Code most recently adopted by the International Conference of Building Officials.

2. An ordinance of the governing body may require factory-built housing to comply with standards for safety which exceed the standards prescribed in subsection 1 if a single-family residential dwelling on the same lot is also required to comply with those standards.

3. The governing body shall adopt the same standards for development for the factory-built housing and the lot on which it is placed as those to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to:

(a) Requirements for the setback of buildings.

(b) Side and rear-yard requirements.

(c) Standards for enclosures, access and the parking of vehicles.

(d) Aesthetic requirements.

(e) Requirements for minimum square footage.

(f) Requirements for design, style and structure.

4. The governing body may prohibit the installation of factory-built housing in a specified area if ~~[~~:

~~(a) More than 5 years have elapsed between the date of manufacture of factory-built housing and the date of the application for the issuance of a permit to install factory-built housing in the affected area; or~~

~~(b) The]~~ ***the*** area contains a building, structure or other object having a special character or special historical interest or value.

5. As used in this section, "factory-built housing" has the meaning ascribed to it in NRS 461.080.

6. The provisions of this section do not abrogate a recorded restrictive covenant.

Sec. 8. NRS 278.02095 is hereby amended to read as follows:

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

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

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

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

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

~~(4)~~ ***(3)*** Consist of more than one section; and

~~(5)~~ ***(4)*** Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

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

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

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

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

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

6. As used in this section:

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

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

Sec. 9. NRS 489.288 is hereby amended to read as follows:

489.288 Except as otherwise provided in NRS 278.02095:

1. A local governing body may adopt ordinances and regulations which, except for ordinances and regulations regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244, are no more stringent than the provisions of this chapter, the regulations adopted pursuant to this chapter and applicable federal statutes and regulations. Compliance with an ordinance or regulation

of a local governing body does not excuse any person from compliance with this chapter and the regulations adopted pursuant to this chapter.

2. ***A local governing body shall not prohibit the installation of a manufactured home based on its date of manufacture if the manufactured home otherwise complies with the provisions of this chapter and the regulations adopted pursuant to this chapter governing health and safety.***

3. The provisions of this chapter and the regulations adopted pursuant to this chapter supersede and preempt any ordinance or regulation of a local governing body that is more stringent than those provisions, except for an ordinance or regulation regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244.

Sec. 10. ~~[The amendatory provisions of section 6 of this act do not apply to a lien that attaches before October 1, 2007.]~~ **(Deleted by amendment.)**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 625.

ASSEMBLYMEN WEBER, ALLEN, MABEY, **ANDERSON, ATKINSON,** BEERS, BOBZIEN, CARPENTER, CHRISTENSEN, CLABORN, COBB, **CONKLIN, DENIS, GANSERT,** GOEDHART, GOICOECHEA, **HORNE, KIHUEN,** KIRKPATRICK, KOIVISTO, **MANENDO,** MARVEL, **MCCLAIN, OCEGUERA,** OHRENSCHALL, **PARKS, PARNELL,** SETTELMEYER ~~[AND]~~ **, SMITH,** STEWART **AND WOMACK**

"SUMMARY—Makes various changes concerning the confiscation of firearms during an emergency or a disaster. (BDR 36-294)"

"AN ACT relating to firearms; excluding from the powers granted to certain state officers during an emergency or a disaster the authority to take certain actions concerning firearms; authorizing civil suits against the State of Nevada, its political subdivisions and their officers and employees for the wrongful confiscation of a firearm during an emergency or a disaster; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 3 of this bill excludes from the emergency powers that the Governor and the executive heads or governing bodies of the political subdivisions of this State are authorized to exercise during an emergency or a disaster the authority to: (1) confiscate firearms from persons in lawful possession of the firearms; or (2) impose additional restrictions on certain aspects of the trade, possession or use of firearms, ammunition and components thereof. (Chapter 414 of NRS)

Existing law provides limited civil immunity to the State, its political subdivisions and officers, employees and workers for certain injuries they cause to persons and property during an emergency or a disaster. (NRS

414.110) Section 8 of this bill authorizes a person from whom a firearm is wrongfully confiscated during an emergency or a disaster to bring legal proceedings against the State, its political subdivisions and the officer, employee or worker who wrongfully confiscated or authorized the confiscation of the firearm.

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

Section 1. Chapter 414 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Firearm" means any weapon from which a projectile is discharged by means of an explosive, spring, gas, air or other force. The term includes ammunition for a firearm.***

Sec. 3. ***Pursuant to Amendment II of the Constitution of the United States and Section 11 of Article 1 of the Constitution of the State of Nevada, and notwithstanding any other provision of law, the emergency powers conferred upon the Governor and upon the executive heads or governing bodies of the political subdivisions of this State must not be construed to allow:***

1. The confiscation of a firearm from a person unless the person is:

(a) In unlawful possession of the firearm; or

(b) Unlawfully carrying the firearm; or

2. The imposition of additional restrictions as to the lawful possession, transfer, sale, carrying, storage, display or use of:

(a) Firearms;

(b) Ammunition; or

(c) Components of firearms or ammunition.

Sec. 4. NRS 414.030 is hereby amended to read as follows:

414.030 As used in this chapter, the words and terms defined in NRS 414.031 to 414.038, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 414.070 is hereby amended to read as follows:

414.070 The provisions of this section are operative only during the existence of a state of emergency or declaration of disaster. The existence of such an emergency or disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor in his proclamation, or the Legislature in its resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural, technological or man-made emergency or disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this section. Any such emergency or disaster, whether proclaimed by the Governor or by the Legislature, terminates upon the proclamation of the termination thereof by the Governor, or the passage by the Legislature of a resolution terminating the emergency or disaster. During the period when a

state of emergency or declaration of disaster exists or continues, the Governor may exercise the following additional powers:

1. To enforce all laws and regulations relating to emergency management and to assume direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State.

2. To sell, lend, lease, give, transfer or deliver materials or perform services for the purpose of emergency management on such terms and conditions as the Governor prescribes and without regard to the limitations of any existing law, and to account to the State Treasurer for any funds received for such property.

3. ~~[To]~~ ***Except as otherwise provided in section 3 of this act, to*** procure, by purchase, condemnation, seizure or other means, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency management without regard to the limitations of any existing law. ~~[He]~~ ***The Governor*** shall make compensation for the property so seized, taken or condemned on the following basis:

(a) If property is taken for temporary use, the Governor, within 90 days after the taking, shall fix the amount of compensation to be paid therefor. If the property is returned to the owner in a damaged condition, or is not returned to the owner, the Governor shall fix within 90 days the amount of compensation to be paid for the damage or failure to return the property. ~~[Whenever]~~ ***If*** the Governor deems it advisable for the State to take title to property taken under this section, he shall forthwith cause the owner of ~~[such]~~ ***the*** property to be notified thereof in writing by registered or certified mail, postage prepaid, or by the best means available, and forthwith cause to be filed a copy of the notice with the Secretary of State.

(b) Within the 90-day period prescribed in paragraph (a), the Governor shall make an offer in writing to the person or persons entitled to receive it of the amount of money proposed to be paid as full compensation. If the offer is accepted, the money must be paid out of such fund, funds or other sources as are available and no further action ~~[either]~~ in law or in equity may ever be maintained in connection therewith. If the offer of payment is refused, the person or persons entitled thereto have the same rights as plaintiffs in actions of eminent domain insofar as the fixing of damages and compensation is concerned, NRS 37.060, 37.070, 37.080 and 37.090, so far as applicable, apply, and proceedings must be had in conformity therewith so far as possible. ~~[Such]~~ ***The*** action must be commenced within 1 year after the receipt of the offer of settlement from the Governor.

4. To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons.

5. Subject to the provisions of the State Constitution, to remove from office any public officer having administrative responsibilities under this chapter for willful failure to obey an order or regulation adopted pursuant to

this chapter. ~~[Such]~~ ***The*** removal must be upon charges after service upon the officer of a copy of the charges and after giving him an opportunity to be heard in his defense. Pending the preparation and disposition of charges, the Governor may suspend the officer for a period not exceeding 30 days. A vacancy resulting from removal or suspension pursuant to this section must be filled as provided by law.

6. To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person from whom a firearm is confiscated in violation of section 3 of this act may seek relief in a suit, action or other proceeding at law or in equity, including, without limitation, an action for the return of the firearm, against:

(a) The State of Nevada or a political subdivision thereof; and

(b) The officer or employee of the State or a political subdivision thereof or worker who confiscated or authorized the confiscation of the firearm.

2. The proceeding may be commenced in a court of competent jurisdiction in the county in which:

(a) The person bringing the proceeding resides; or

(b) The firearm may be found.

3. If a person who brings a proceeding pursuant to this section prevails, the court shall award him, in addition to any other remedy provided by law, reasonable attorney's fees and costs.

4. As used in this section:

(a) "Firearm" has the meaning ascribed to it in section 2 of this act.

(b) "Worker" has the meaning ascribed to it in NRS 414.110.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 248 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assembly Bill No. 514.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 606.

"SUMMARY—Makes various changes to the Charter of the City of Las Vegas. (BDR S-1381)"

"AN ACT relating to the City of Las Vegas; making various changes to the powers of the City Council; making various other changes to the Charter of the City of Las Vegas; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill provides that the City Council of the City of Las Vegas has the power to adopt necessary and proper ordinances for the development and provision of affordable housing.

Section 2 of this bill authorizes the City Council to establish a salary commission with the authority to fix the salaries of the Mayor and City Councilmen, the members of which are to be appointed by the Majority Leader of the Senate and the Speaker of the Assembly.

Section 3 of this bill provides that the City Council has the power to adopt necessary and proper ordinances for the development and provision of employment and training programs.

Section 4 of this bill provides for the appointment of Hearing Commissioners by the City Council to hear and decide certain misdemeanor actions.

Section 5 of this bill extends the time that the City Council has to fill vacancies in the office of Mayor, Councilman or Municipal Judge from 30 to 60 days.

Section 8 of this bill amends the time by which a proposed ordinance must be adopted or rejected by the City Council from 30 days to 60 days.

Section 9 of this bill authorizes the City Council to adopt an alternative procedure for a person to appeal the denial, suspension or revocation of a work permit or identification card.

~~[Section 10 of this bill provides that the City Council has such other powers as are conferred generally upon the governing bodies of other cities.]~~

Section 11 of this bill authorizes the Director of Financial Management of the City to serve as the City Treasurer.

Section 12 of this bill removes the requirement that the Director of Public Services be a licensed professional engineer.

Existing law provides that a Master Judge must be selected on the basis of seniority. (Las Vegas City Charter § 4.020) Section 13 of this bill provides that the ~~[Master Judge must be selected from each Department on a rotating basis, beginning with Department 1.]~~ **Municipal Judges shall elect the Master Judge from among their own number to serve for a 2-year term. In the event of a tie vote, the tie is to be decided by the drawing of lots.**

Section 14 of this bill provides that the City Council may determine that the System of Civil Service must be administered by a Board of Civil ervice Trustees.

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

Section 1. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.145, immediately following section 2.140, to read as follows:

Sec. 2.145 Powers of City Council: Affordable Housing. In addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of affordable housing.

Sec. 2. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 2.340, immediately following section 2.330, to read as follows:

Sec. 2.340 Powers of City Council: Salaries of Mayor and Councilmen.

1. The City Council may by ordinance or resolution establish an independent salary commission to fix the salaries of the Mayor and the Councilmen. Such ordinance or resolution must include, without limitation, the terms of office of the members of the salary commission. If the City Council establishes a salary commission by ordinance or resolution, it shall provide written notice of that fact to:

(a) The Majority Leader of the Senate; and

(b) The Speaker of the Assembly.

2. If a salary commission is established pursuant to subsection 1, the Majority Leader of the Senate and the Speaker of the Assembly, within 60 days after receiving the written notice described in that subsection, shall jointly appoint to the salary commission a total of seven members, one of whom must be a member at large and six of whom must represent the different wards into which the City is divided. Each of the six members representing one of the wards into which the City is divided must be a person who:

(a) Resides within the ward which he represents;

(b) Is not a member of the household of the Councilman who represents that ward;

(c) Is not related by blood, adoption or marriage within the third degree of consanguinity or affinity to the Councilman who represents that ward; and

(d) Does not have a substantial and continuing business relationship with either the City or the Councilman who represents that ward.

3. A member must be appointed on the basis of his education, training, experience and demonstrated abilities. Of the total of the seven members appointed to the salary commission:

(a) One member must be affiliated with an organization representing the interests of businesses;

(b) One member must be affiliated with an organization representing the interests of taxpayers;

(c) One member must be affiliated with an organization representing the interests of the development community;

(d) One member must have expertise in human resource management;

(e) One member must have expertise in finance; and

(f) Two members must be representative of the general public.

4. Members of the salary commission:

(a) Serve without compensation; and

(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the salary commission.

5. The salary commission must meet at least once every 5 years.

6. The salary commission is entitled to such staff or employees of the City as is necessary to assist in the performance of the duties of the salary commission that are set forth in subsection 7.

7. In setting the salaries of the Mayor and Councilmen, the salary commission shall conduct at least one public hearing and consider the following:

(a) The amount of work performed by the Mayor or Councilmen in representing their constituents, based upon the population and geographical size of the area that the Mayor or Councilmen represent.

(b) The amount of time dedicated by the Mayor or Councilmen in representing their constituents.

(c) The projected population growth of the City.

(d) Existing compensation levels for comparable positions in other geographic locations.

(e) The current and projected financial conditions of the City.

(f) Any other condition or factor that the salary commission determines is relevant to fixing the salaries of the Mayor or the Councilmen.

Sec. 3. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 3.300, immediately following section 3.290, to read as follows:

Sec. 3.300 Programs: Employment and Training. In addition to any other powers authorized by specific statute, the City Council may exercise such powers and enact such ordinances, not in conflict with the laws of this State, as the City Council determines are necessary and proper for the development and provision of programs relating to employment and training.

Sec. 4. The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new

section to be designated as section 4.040, immediately following section 4.030, to read as follows:

Sec. 4.040 Hearing Commissioners.

1. The City Council may appoint one or more Hearing Commissioners to hear and decide:

(a) Any action for a misdemeanor constituting a violation of chapter 484 of NRS, except NRS 484.379; and

(b) Any action for a misdemeanor constituting a violation of the Las Vegas Municipal Code, except chapter 11.14 of that Code.

2. Each Hearing Commissioner must:

(a) Be a duly licensed member, in good standing, of the State Bar of Nevada;

(b) Be a resident of the State;

(c) Be a qualified elector in the City;

(d) Have been a bona fide resident of the City for not less than 1 year next preceding his appointment; and

(e) Not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline.

3. In connection with any action of a type described in subsection 1, a Hearing Commissioner has all the powers and duties of a Municipal Judge and a magistrate pursuant to the laws of this State. To the extent possible and practicable, the proceedings in such actions must be subject to and governed by the provisions of the laws of this State, this Charter and city ordinances pertaining to Municipal Judges.

4. Hearing Commissioners shall receive such compensation as may be allowed by the City Council.

Sec. 5. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 515, Statutes of Nevada 1997, at page 2451, is hereby amended to read as follows:

Sec. 1.160 Elective Offices: Vacancies.

1. A vacancy in the office of Mayor, Councilman or Municipal Judge must be filled by the majority vote of the entire City Council within ~~[30]~~ ***60*** days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy ~~[in the City Council]~~ before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official ~~[.]~~ ***, including, without limitation, any applicable residency requirement.***

2. No appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the Tuesday after the first Monday in the next succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 6. Section 2.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.020 Mayor and Councilmen: Qualifications; terms of office; salary.

1. The Mayor must be a qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for that office and be elected by the registered voters of the City at large.

2. Each Councilman must be a qualified elector who has resided within the ward which he represents for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for his office and be elected by the registered voters of that ward.

3. The Mayor or any Councilman automatically forfeits the remainder of his term of office and that office becomes vacant if he ceases to be a resident of the City or of the ward which he represents, as the case may be.

4. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** respective salaries of the Mayor and Councilmen must be fixed by ordinance.

Sec. 7. Section 2.040 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1394, is hereby amended to read as follows:

Sec. 2.040 Mayor and Councilmen not to hold other office.

1. The Mayor and Councilmen may not:

(a) Hold any other elective office of the State or any political subdivision of the State or any other employment with the County or the City, except as is provided by law or as a member of a board or commission for which no compensation is received.

(b) Be ~~[elected or]~~ appointed to any office which was created, or the compensation for which was increased or fixed, by the City Council until 1 year after the expiration of the term for which the Mayor or Councilman was elected or appointed.

2. Any person who ~~[accepts any office which is proscribed by]~~ ***violates the provisions of*** subsection 1 automatically forfeits his office as Mayor or Councilman.

Sec. 8. Section 2.110 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 568, Statutes of Nevada 1991, at page 1882, is hereby amended to read as follows:

Sec. 2.110 Ordinances: Procedure for enactment; emergency ordinances.

1. All proposed ordinances, when they are first proposed, must be read to the City Council by title and ***may be*** referred for consideration to a committee which is composed of any number of members of the City Council who are designated by the Mayor, after which an adequate number of copies of the proposed ordinance must be deposited with the City Clerk for public examination and distribution upon request. Except as otherwise

provided in subsection 3 and for the adoption of specialized or uniform codes, notice of the deposit must be published once at least 10 days before the adoption of the ordinance. The City Council must adopt or reject the ordinance, or an amendment thereto, within ~~[30]~~ ***60*** days after the date of that publication. ***A committee described in this subsection shall meet as often as is reasonably necessary but not less frequently than once each calendar quarter.***

2. ~~[At the first regular meeting of the City Council, or any adjournment of that meeting, after the proposal of an ordinance and its reference to a committee, the committee must report to the City Council with respect to the proposed ordinance, at which time the committee may request additional time to consider it. The committee must complete its additional consideration of the proposed ordinance and report its recommendations to the board with the 30-day period which is specified in subsection 1. After a recommendation by the committee for the adoption of the proposed ordinance, the]~~ ***Following the first reading by title, an ordinance that has been referred pursuant to subsection 1 must be considered by the committee. Such committee must report its recommendations, if any, to the City Council. Regardless of whether a*** proposed ordinance ***is referred to a committee pursuant to subsection 1, it*** must be read by title as first introduced, or as amended, and finally voted upon or action thereon postponed, but the proposed ordinance must be adopted, with or without amendments, or rejected within ~~[30]~~ ***60*** days after the date of the publication which is provided for in subsection 1.

3. In cases of emergency or where the ordinance is of a kind whose enactment as if an emergency existed is permitted by a provision of NRS or section 7.020 or 8.210 of this Charter, final action, upon the unanimous vote of the entire City Council, may be taken immediately or at a special meeting which has been called for that purpose, and no notice of the filing of copies of the proposed ordinance with the City Clerk need be published.

4. Each ordinance must be signed by the Mayor, attested by the City Clerk and published at least once by title, together with the names of the members of the City Council who voted for or against its adoption, and the ordinance becomes effective on the day after that publication. The City Council may, by majority vote, order the publication of the ordinance in full in lieu of publication by title only.

5. The City Clerk shall record all ordinances which have been adopted in a register which is kept for that purpose, together with the affidavits of publication by the publisher.

Sec. 9. Section 2.130 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1398, is hereby amended to read as follows:

Sec. 2.130 Powers of City Council: Denial, suspension or revocation of work permit; appeal to City Council ~~[.]~~ ***; alternative procedure established by City Council.*** Whenever under any city ordinance a person is required to obtain a work permit or an identification card from the Sheriff of the Las

Vegas Metropolitan Police Department or any City officer as a condition of employment in any establishment which has been determined to be privileged by the City Council and licensed by the City, and his work permit or identification card is denied, suspended or revoked by the Sheriff or City officer, the person aggrieved may appeal from that action ~~[to]~~ ***:***

1. To the City Council by filing a written notice of appeal with the City Clerk within 10 days after the date of the denial, suspension or revocation of his work permit or identification card ~~[.]~~ ***; or***

2. To any judicial or administrative body that the City Council has designated to hear such appeals.

Sec. 10. ~~[Section 2.350 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1406, is hereby amended to read as follows:~~

~~Sec. 2.350 Powers of City Council: General. The City Council has such other powers, which are not in conflict with the express or implied provisions of this Charter, as are conferred generally by statute upon the governing bodies of *other* cities [which are] *, whether* organized under *general law or under* special charters.]~~ **(Deleted by amendment.)**

Sec. 11. Section 3.150 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1409, is hereby amended to read as follows:

Sec. 3.150 City Treasurer: Duties.

1. The Director of Financial Management may ***serve as the City Treasurer or may*** recommend ***a City Treasurer*** for appointment by the City Manager ***.*** ~~[a City Treasurer.]~~

2. The City Treasurer:

(a) Shall perform such duties as may be designated by the Director of Financial Management or prescribed by ordinance.

(b) Must provide a surety bond in the amount which is fixed by the City Council.

Sec. 12. Section 3.190 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1410, is hereby amended to read as follows:

Sec. 3.190 Director of Public Services: Qualifications. The Director of Public Services must ~~[be a licensed professional engineer in the State and]~~ have such ~~[other]~~ qualifications as may be prescribed by ordinance.

Sec. 13. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 127, Statutes of Nevada 1989, at page 283, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his full time to the duties of his office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an

incumbent when this Charter becomes effective as long as he continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. ~~[The Municipal Judge who holds seniority in years of service in office, either elected or appointed, is the Master Judge. If two or more Judges are equal in seniority, the]~~ ~~*[Beginning on July 1, 2007, and at the beginning of each fiscal year thereafter, a]*~~ ***The Municipal Judges of the six departments shall elect a*** Master Judge ~~[must be chosen]~~ from among ~~[them by the City Council.]~~ ~~*[the six departments. The Master Judge must be selected from a different department each year, beginning with Department 1, and thereafter, from the next department in numerical order. If a Municipal Judge so selected declines to take the position of Master Judge, the Municipal Judge from the next department in numerical order must be selected for the position.]*~~ ***their number. The Master Judge shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots.*** The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while he is acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his office if he ceases to be a resident of the City.

Sec. 14. Section 10.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 45, Statutes of Nevada 1991, at page 95, is hereby amended to read as follows:

Sec. 10.010 Civil Service.

1. There is hereby created a System of Civil Service which is applicable to and governs all of the employees of the City except the elected officials, persons who serve as members of boards, commissioners or committees for which no compensation is received, the City Manager, the City Attorney, persons who are appointed pursuant to sections 3.040 and 3.070 of this Charter, persons who hold such probationary, provisional or temporary appointments as are designated in the Civil Service rules, Alternate Judges and persons who hold such other positions as are designated by the City Council.

2. The ***City Council may determine that the*** System of Civil Service must be administered by a Board of Civil Service Trustees which is composed of five members who are appointed by the City Council for terms of 4 years.

3. The City Council shall adopt by ordinance ~~[, following their approval by the Board of Civil Service Trustees,]~~ a codification of the rules which govern the System of Civil Service and may from time to time amend those rules **.** ~~[by ordinance upon the recommendation of the]~~ ***If the System of Civil Service is administered by a*** Board of Civil Service Trustees ~~[. Those]~~ ***, the rules which govern the System of Civil Service, and any amendments thereto, must be reviewed by the Board before the City Council adopts them.***

4. The rules ***which govern the System of Civil Service*** must provide for:

(a) The examination of potential employees;

(b) Recruitment and placement procedures;

(c) The classification of positions;

(d) Procedures for the promotion of employees;

(e) Procedures for disciplinary actions against, and the discharge of, employees;

(f) Appeals with respect to actions which are taken pursuant to paragraphs (d) and (e);

(g) The acceptance and processing of citizens' complaints against employees; and

(h) Such other matters ***, if any,*** as the Board of Civil Service Trustees ***or the City Council*** deems are necessary or appropriate.

~~[4.]~~ ***5.*** Copies of the rules of the System of Civil Service must be made available to all of the employees of the City.

Sec. 15. **1.** This ~~[act]~~ **section** becomes **effective upon passage and approval.**

2. Section 13 of this act becomes effective upon passage and approval for the purpose of electing a Master Judge and on July 1, 2007, for all other purposes.

3. Sections 1 to 12, inclusive, and 14 of this act become effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 518.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 615.

"SUMMARY—Revises provisions governing the regulation of telecommunication service. (BDR 58-1128)"

"AN ACT relating to telecommunication service; revising provisions governing the regulation of certain incumbent local exchange carriers; revising provisions governing the regulation of competitive suppliers of telecommunication service; allowing for greater competition among various telecommunication providers; repealing provisions governing the plan of alternative regulation and PAR carriers; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to regulate public utilities that provide telecommunication service to the public. With regard to local telephone service, each service territory has an incumbent local exchange carrier that has an obligation to serve the customers within that particular territory. If no other telecommunication provider is authorized to serve the customers in that particular territory, the incumbent local exchange carrier essentially has a monopoly with regard to local telephone service. (Chapter 704 of NRS)

To foster competition in the local telephone market, existing law allows the Commission to establish a plan of alternative regulation (PAR), whereby an incumbent local exchange carrier may elect to become a PAR carrier under a regulatory scheme which allows flexibility of pricing for certain competitive, discretionary and deregulated services. Under the PAR regulatory scheme, the PAR carrier is allowed to sell such services under less regulated conditions, and other telecommunication providers, known as competitive suppliers, have the opportunity to compete with the PAR carrier in the local telephone market. However, as the incumbent local exchange carrier, the PAR carrier generally retains its obligations as the provider of last resort of basic telephone service and must ensure that such telephone service remains available at affordable rates to the customers within its service territory. (NRS 704.040, 704.68904-704.68984)

This bill repeals the PAR regulatory scheme and replaces it with a regulatory scheme that is intended to promote more competition in the local telephone market. Under this bill, all telecommunication providers, with the exception of certain small-scale providers of last resort, are classified as competitive suppliers. This bill reduces the regulatory authority of the

Commission over such competitive suppliers and provides for greater flexibility of pricing with regard to most components of local telephone service, including basic telephone service.

This bill also requires the Commission to adopt regulations establishing the terms, conditions and procedures under which: (1) an incumbent local exchange carrier may be excused from its obligations as the provider of last resort; and (2) those obligations may be reinstated. The regulations must also establish the manner of giving prior notice and the terms of any bond necessary to protect consumers and ensure continuity of basic telephone service when a provider other than an incumbent local exchange carrier intends to terminate or discontinue such service.

Finally, to maintain the availability of telephone service to rural, insular and high-cost areas, this bill requires the Commission to continue to levy and collect a uniform and equitable assessment from all telecommunication providers. The proceeds of the assessment must be used to reimburse providers of last resort so that they are able to provide telephone service to rural, insular and high-cost areas.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***"Basic network service" means the provision of stand-alone telephone service furnished to a residential customer through the customer's primary residential line as the only service that:***

1. Is not:

(a) Part of a package of services;

(b) Sold in a promotion;

(c) Purchased pursuant to a contract; or

(d) Otherwise offered at a discounted price; and

2. Provides to the customer:

(a) Voice-grade access to the public switched telephone network with a minimum bandwidth of 300 to 3,000 hertz;

(b) Dual tone multifrequency signaling and single party service;

(c) Access to:

(1) Operator services;

(2) Telephone relay services;

(3) Local directory assistance;

(4) Interexchange service; and

(5) Emergency 911 service.

(d) The first single-line directory listing; and

(e) Universal lifeline service for those eligible for such service.

Sec. 3. ***"Business line service" means flat or measured rate service for business lines or business trunk lines.***

Sec. 4. ***1. "Competitive supplier" means a telecommunication provider that is subject to the provisions of sections 18 to 30, inclusive, of this act.***

2. The term does not include a small-scale provider of last resort unless the provider is authorized by the Commission pursuant to section 21 of this act to be regulated as a competitive supplier.

Sec. 5. ***"Fund to maintain the availability of telephone service" means the fund established by the Commission pursuant to NRS 704.040 to maintain the availability of telephone service.***

Sec. 6. ***"Incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.***

Sec. 7. ***"Interexchange carrier" means any person providing either or both intrastate and interstate telecommunication service for a fee between two or more exchanges.***

Sec. 8. ***"Local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 153(26), as that section existed on December 1, 2006.***

Sec. 9. ***"Provider of last resort" means the telecommunication provider designated by the regulations of the Commission to provide basic network service and business line service to any person requesting and eligible to receive telephone service in a particular service territory.***

Sec. 10. ***"Small-scale provider of last resort" means an incumbent local exchange carrier that is a provider of last resort of basic network service and business line service to customers through less than 60,000 access lines.***

Sec. 11. ***"Telecommunication" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received, regardless of the facilities, equipment or technology used.***

Sec. 12. ***"Telecommunication provider" or "telephone company" means any person required to obtain from the Commission a certificate of public convenience and necessity pursuant to NRS 704.330 to provide telecommunication service.***

Sec. 13. ***"Telecommunication service" or "telephone service" means the offering of telecommunication for a fee directly to the public, or such classes of users as to be effectively available directly to the public, regardless of the equipment, facilities or technology used.***

Sec. 14. ***1. The Commission shall by regulation establish a procedure for an incumbent local exchange carrier to provide notice via the Internet of interconnection agreements entered into with another telecommunication provider.***

2. The procedure established by the Commission pursuant to this section for providing notice via the Internet is the exclusive method for

providing such notice, and the Commission may not require another method of notice.

3. When an incumbent local exchange carrier provides notice via the Internet pursuant to this section, the notice must include a link to the public area of its website where an electronic copy of the interconnection agreements may be obtained.

Sec. 15**.** ***1. The Commission shall adopt regulations that establish:***

(a) The obligations of incumbent local exchange carriers as providers of last resort giving due consideration to the status of the incumbent local exchange carriers as either competitive suppliers or small-scale providers of last resort.

(b) The terms, conditions and procedures under which:

(1) An incumbent local exchange carrier may be excused from the obligations of the provider of last resort; and

(2) The Commission may request an incumbent local exchange carrier to reinstate the obligations of the provider of last resort.

(c) The manner of giving prior written notice of not less than 180 days before another provider of basic network service or business line service may terminate or discontinue such services and the terms of any bond necessary to protect consumers and ensure continuity of such services.

2. The regulations adopted by the Commission may not allow an incumbent local exchange carrier to be excused from the obligations of the provider of last resort in situations where the incumbent local exchange carrier, before the effective date of this act, made an agreement to or was specifically ordered to act as the provider of last resort.

~~Sec. 16.~~ (Deleted by amendment.)

~~Sec. 17.~~ (Deleted by amendment.)

Sec. 18. ***1. Except as otherwise provided in this section, any telecommunication provider operating within this State is a competitive supplier that is subject to the provisions of sections 18 to 30, inclusive, of this act.***

2. A small-scale provider of last resort is not a competitive supplier that is subject to the provisions of sections 18 to 30, inclusive, of this act, unless the small-scale provider of last resort is authorized by the Commission pursuant to section 21 of this act to be regulated as a competitive supplier.

Sec. 19. ***The provisions of sections 18 to 30, inclusive, of this act do not:***

1. Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

2. Limit or modify:

(a) The duties of a competitive supplier that is an incumbent local exchange carrier regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of

the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

Sec. 20. ***The Commission may adopt any regulations that are necessary to carry out the provisions of sections 18 to 30, inclusive, of this act.***

Sec. 20.5. ***1. Each competitive supplier that is an incumbent local exchange carrier on the effective date of this act shall:***

(a) On or before October 1, 2008, prepare and submit to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report regarding competition in the local markets for telecommunication service, including, without limitation, competition from available alternative services that serve as technological substitutes for telecommunication service. The report must be based on information that is reasonably available from public sources and must contain data, statistical measures and analyses for assessing:

(1) The existing number of customers of the competitive supplier, the forms of telecommunication service provided by the competitive supplier and the prices for such services;

(2) The number of competitors in the local markets within the service territory of the competitive supplier for various forms of telecommunication service, including, without limitation, wireline and wireless telecommunication service, and any available alternative services that serve as technological substitutes for telecommunication service, such as broadband services and video services, and a comparison of the services provided by such competitors and prices for telecommunication service and broadband service;

(3) The growth or decline, if any, in customers and primary access lines of the competitive supplier during the preceding 5 years; and

(4) The number of persons receiving a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive, within the service territory of the competitive supplier, the price of such service, the consumer outreach and informational programs used to expand participation of eligible persons in such service, and the management, coordination and training programs implemented by the competitive supplier to increase awareness and use of lifeline and link-up programs.

(b) On or before October 1 of each year thereafter for a period of 4 years, prepare and submit to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report that compares and evaluates any changes in the data, prices, statistical measures and analyses set forth in the report submitted by the competitive supplier pursuant to paragraph (a).

2. The Commission shall:

(a) On or before December 1 of each applicable year, provide to the Legislative Commission a copy of the reports received pursuant to subsection 1; and

(b) On or before December 1, 2010, prepare and submit to the Legislative Commission and the Bureau of Consumer Protection in the Office of the Attorney General a report that:

(1) Summarizes and evaluates the data, prices, statistical measures and analyses set forth in the reports submitted by competitive suppliers pursuant to subsection 1;

(2) Provides an assessment of market conditions and the state of competition for telecommunication service in the various geographical areas of this State; and

(3) Includes, without limitation:

(I) A discussion of the types of alternative services that serve as technological substitutes for telecommunication service and the availability of such alternative services in the various geographical areas of this State; and

(II) An assessment of the alternative services that are available for basic network service and business line service considering inter-modal alternatives, technological developments, market conditions and the availability of comparable alternative services in the various geographical areas of this State.

Sec. 21. ***1. A small-scale provider of last resort may apply to the Commission to be regulated as a competitive supplier pursuant to sections 18 to 30, inclusive, of this act.***

2. The Commission may grant the application if it finds that the public interest will be served by allowing the small-scale provider of last resort to be regulated as a competitive supplier.

3. If the Commission denies the application, the small-scale provider of last resort:

(a) May not be regulated as a competitive supplier but remains subject to regulation pursuant to this chapter as a telecommunication provider; and

(b) May not submit another application to be regulated as a competitive supplier sooner than 1 year after the date the most recent application was denied, unless the Commission, upon a showing of good cause or changed circumstances, allows the provider to submit another application sooner.

Sec. 22. ***1. A competitive supplier is not subject to any review of earnings or monitoring of the rate base or any other regulation by the Commission relating to the net income or rate of return of the competitive supplier, and the Commission shall not consider the rate of return, the rate base or any other earnings of the competitive supplier in carrying out the provisions of sections 18 to 30, inclusive, of this act.***

2. On or before May 15 of each year, a competitive supplier shall file with the Commission an annual statement of income, a balance sheet, a statement of cash flows for the total operations of the competitive supplier

and a statement of intrastate service revenues, each prepared in accordance with generally accepted accounting principles.

3. A competitive supplier is not required to submit any other form of financial report or comply with any other accounting requirements, including, without limitation, requirements relating to depreciation and affiliate transactions, imposed upon a public utility by this chapter, chapter 703 of NRS or the regulations of the Commission.

Sec. 23. ***1. Except as otherwise provided in sections 18 to 30, inclusive, of this act, a competitive supplier:***

(a) Is exempt from the provisions of NRS 704.100 and 704.110 and the regulations of the Commission relating thereto and from any other provision of this chapter governing the rates, pricing, terms and conditions of any telecommunication service; and

(b) May exercise complete flexibility in the rates, pricing, terms and conditions of any telecommunication service.

2. The rates, pricing, terms and conditions of intrastate switched or special access service provided by a competitive supplier that is an incumbent local exchange carrier and the applicability of such access service to intrastate interexchange traffic are subject to regulation by the Commission, which must be consistent with federal law, unless the Commission deregulates ~~*[such]*~~ ***intrastate special access service pursuant to section 26 of this act.***

3. A competitive supplier that is an incumbent local exchange carrier shall use a letter of advice to change any rates, pricing, terms and conditions of intrastate ~~*[switched or]*~~ ***special access service, universal lifeline service or access to emergency 911 service. A letter of advice submitted pursuant to this subsection shall be deemed approved if the Commission does not otherwise act on the letter of advice within 120 days after the date on which the letter is filed with the Commission.***

Sec. 24. ***1. A competitive supplier is not required to maintain or file any schedule or tariff with the Commission.***

2. Each competitive supplier that is an incumbent local exchange carrier:

(a) Shall publish the rates, pricing, terms and conditions of basic network service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer; and

(b) May publish the rates, pricing, terms and conditions of other telecommunication service by:

(1) Posting such rates, pricing, terms and conditions electronically on a publicly available Internet website maintained by the competitive supplier;

(2) Maintaining for inspection by the public a copy of such rates, pricing, terms and conditions at the principal office in Nevada of the competitive supplier; or

(3) Delivering to the customer a copy of the rates, pricing, terms and conditions in writing with the first invoice, billing statement or other written summary of charges for the telecommunication service provided by the competitive supplier to the customer.

Sec. 25. ***1. The Commission shall not decrease the rates or pricing of basic network service provided by a competitive supplier, unless the competitive supplier files a general rate application pursuant to paragraph (b) of subsection 2 and the Commission orders a decrease in the rates or pricing of such service in a general rate case proceeding conducted pursuant thereto.***

2. Except as otherwise provided in this section, a competitive supplier that is an incumbent local exchange carrier shall not:

(a) Without the approval of the Commission, discontinue basic network service or change the terms and conditions of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007.

(b) Before January 1, 2012, increase the rates or pricing of basic network service as set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007, except that notwithstanding any other provision of this chapter:

(1) On or after January 1, 2011, and before January 1, 2012, the competitive supplier may, without the approval of the Commission, increase the rates or pricing of basic network service provided by the competitive supplier but the total of all increases during that period may not result in rates or pricing of basic network service that is more than $1 above the rates or pricing set forth in the tariffs of the competitive supplier that were in effect on January 1, 2007; and

(2) The Commission may allow the competitive supplier to increase the rates or pricing of basic network service above the amounts authorized by this subsection only if the competitive supplier files a general rate application and proves in a general rate case proceeding conducted pursuant to NRS 704.110 and 704.120 that the increase is absolutely necessary to avoid rates or prices that are confiscatory under the Constitution of the United States or the Constitution of this State. In such a general rate case proceeding, the Commission:

(I) May allow an increase in the rates or pricing of basic network service provided by the competitive supplier only in an amount that the

competitive supplier proves in the general rate case proceeding is absolutely necessary to avoid an unconstitutional result and shall not authorize in the general rate case proceeding any rate, price or other relief for the competitive supplier that is not proven by the competitive supplier to be absolutely necessary to avoid an unconstitutional result; and

(II) May order a decrease in the rates or pricing of basic network service provided by the competitive supplier if the Commission determines in the general rate case proceeding that the decrease is necessary to provide customers with just and reasonable rates.

3. On or after January 1, 2012:

(a) A competitive supplier that is an incumbent local exchange carrier may exercise flexibility in the rates, pricing, terms and conditions of basic network service in the same manner permitted for other telecommunication service pursuant to section 23 of this act; and

(b) The Commission shall not:

(1) Regulate the rates, pricing, terms and conditions of basic network service provided by such a competitive supplier; or

(2) Require such a competitive supplier to maintain any schedule or tariff for basic network service.

4. A competitive supplier that is an incumbent local exchange carrier must provide reasonably detailed information concerning the rates, pricing, terms and conditions of basic network service in the manner required by section 24 of this act.

Sec. 26. ***1. The Commission may not deregulate access to emergency 911 service provided by a competitive supplier.***

2. The Commission may, upon its own motion or the petition of any person, deregulate intrastate ~~*[switched or]*~~ ***special access service provided by a competitive supplier. Unless the Commission deregulates such access service pursuant to this subsection, the rates, pricing, terms and conditions of such access service are subject to tariff regulation by the Commission.***

3. If the Commission receives a petition pursuant to subsection 2, the Commission shall act upon the petition not later than 120 days after the date the Commission receives the petition.

Sec. 27. ***1. A competitive supplier that is a provider of last resort may use an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory.***

2. Except as otherwise provided in this section, the Commission may not exercise jurisdiction over an alternative technology used by a competitive supplier that is a provider of last resort to satisfy the obligation to provide basic network service or business line service in a service territory, including, without limitation, determining the rates, pricing, terms, conditions or availability of an alternative technology.

3. If a competitive supplier that is a provider of last resort uses an alternative technology to satisfy the obligation to provide basic network service or business line service in a service territory, the Commission may

investigate whether basic network service or business line service provided through the alternative technology by the competitive supplier is functionally comparable with circuit-switched wireline telephony.

4. If, after notice and hearing, the Commission finds any material deficiency in the competitive supplier's use of the alternative technology to satisfy the obligation to provide basic network service or business line service, the Commission may order the competitive supplier to implement corrective action, within a technically reasonable period, to cure the material deficiency in the use of the alternative technology.

5. As used in this section, "alternative technology" means any technology, facility or equipment, other than circuit-switched wireline telephony, that has the capability to provide customers with service functionally comparable to basic network service or business line service. The term includes, without limitation, wireless or Internet technology, facilities or equipment.

Sec. 28. ***If a competitive supplier charges a customer a fixed price or amount for a package of services, the competitive supplier, in any bill or statement for the package of services, is permitted to specify only the fixed price or amount for the package of services and is not required to:***

1. Identify each separate service or component included in the package of services; or

2. Specify the unit price or amount charged for each separate service or component included in the package of services.

Sec. 29. ***1. A competitive supplier that is not a provider of last resort may discontinue any telecommunication service by providing written notice, not less than 10 days before the date of the discontinuation, to any customer of that service and the Commission.***

2. A competitive supplier that is a provider of last resort may:

(a) Discontinue any telecommunication service, except basic network service, by providing written notice, not less than 10 days before the date of the discontinuation, to any customer of that service and the Commission.

(b) Apply to the Commission to discontinue basic network service to all or a portion of the service territory of the competitive supplier on terms that are in the public interest.

Sec. 30. ***In exercising flexibility in the rates, pricing, terms and conditions of any telecommunication service, a competitive supplier that is an incumbent local exchange carrier shall not engage in any anticompetitive act or practice or unlawfully discriminate among similarly situated customers.***

Sec. 31. NRS 704.001 is hereby amended to read as follows:

704.001 It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter:

1. To confer upon the Commission the power, and to make it the duty of the Commission, to regulate public utilities to the extent of its jurisdiction;

2. To provide for fair and impartial regulation of public utilities;

3. To provide for the safe, economic, efficient, prudent and reliable operation and service of public utilities; [~~and~~]

4. To balance the interests of customers and shareholders of public utilities by providing public utilities with the opportunity to earn a fair return on their investments while providing customers with just and reasonable rates [~~.~~] ***; and***

5. With regard to telecommunication service:

(a) To regulate competitive suppliers in a manner that allows customers to benefit from full competition regarding rates and services;

(b) To provide for basic network service to economically disadvantaged persons who are eligible for a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive; and

(c) To maintain the availability of telephone service to rural, insular and high-cost areas through:

(1) The levy and collection of a uniform and equitable assessment from all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology; and

(2) Payments to telecommunication providers from the fund to maintain the availability of telephone service.

Sec. 32. NRS 704.005 is hereby amended to read as follows:

704.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, ***and sections 2 to 13, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 33. NRS 704.020 is hereby amended to read as follows:

704.020 1. "Public utility" or "utility" includes:

(a) Any person who owns, operates, manages or controls any railroad or part of a railroad as a common carrier in this State, or cars or other equipment used thereon, or bridges, terminals, or sidetracks, or any docks or wharves or storage elevators used in connection therewith, whether or not they are owned by the railroad.

(b) Any [~~telephone company~~] ***person, other than a provider of commercial mobile radio service,*** that provides a telecommunication service to the public, but only with regard to those operations [~~of the telephone company~~] which consist of providing a telecommunication service to the public.

(c) ***Any provider of commercial mobile radio service, but such providers:***

(1) Must be regulated in a manner consistent with federal law; and

(2) Must not be regulated as telecommunication providers for the purposes of this chapter.

(d) Any radio or broadcasting company or instrumentality that provides a common or contract service.

[~~(d)~~] ***(e)*** Any company that owns cars of any kind or character, used and operated as a part of railroad trains, in or through this State. All duties

required of and penalties imposed upon any railroad or any officer or agent thereof are, insofar as applicable, required of and imposed upon [~~the owner or operator of any telephone company that provides a telecommunication service to the public, any radio or broadcasting company or instrumentality that provides a common or contract service~~] ***any public utility*** and any ***other*** company that owns cars of any kind or character, used and operated as a part of railroad trains in or through this State, and their officers and agents, and the Commission may supervise and control all such companies, instrumentalities and persons to the same extent as railroads.

2. "Public utility" or "utility" also includes:

(a) Any person who owns, operates or controls any ditch, flume, tunnel or tunnel and drainage system, charging rates, fares or tolls, directly or indirectly.

(b) Any plant or equipment, or any part of a plant or equipment, within this State for the production, delivery or furnishing for or to other persons, including private or municipal corporations, heat, gas, coal slurry, light, power in any form or by any agency, water for business, manufacturing, agricultural or household use, or sewerage service, whether or not within the limits of municipalities.

(c) Any system for the distribution of liquefied petroleum gas to 10 or more users.

➥ The Commission may supervise, regulate and control all such utilities, subject to the provisions of this chapter and to the exclusion of the jurisdiction, regulation and control of such utilities by any municipality, town or village, unless otherwise provided by law.

3. The provisions of this chapter and the term "public utility" apply to all railroads, express companies, car companies and all associations of persons, whether or not incorporated, that do any business as a common carrier upon or over any line of railroad within this State.

Sec. 34. NRS 704.033 is hereby amended to read as follows:

704.033 1. Except as otherwise provided in subsection 6, the Commission shall levy and collect an annual assessment from all public utilities, providers of discretionary natural gas service and alternative sellers subject to the jurisdiction of the Commission.

2. Except as otherwise provided in subsections 3 and 4, the annual assessment must be:

(a) For the use of the Commission, not more than 3.50 mills; and

(b) For the use of the Consumer's Advocate, not more than 0.75 mills,

➥ on each dollar of gross operating revenue derived from the intrastate operations of such utilities, providers of discretionary natural gas service and alternative sellers in the State of Nevada. The total annual assessment must be not more than 4.25 mills.

3. The levy for the use of the Consumer's Advocate must not be assessed against railroads.

4. The minimum assessment in any 1 year must be $100.

5. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) [~~Telephone utilities,~~] ***Telecommunication providers,*** except as provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, providers of discretionary natural gas service and alternative sellers, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility, provider of discretionary natural gas service or alternative seller for resale.

6. Providers of commercial mobile radio service are not subject to the annual assessment and, in lieu thereof, shall pay to the Commission an annual licensing fee of $200.

Sec. 35. NRS 704.040 is hereby amended to read as follows:

704.040 1. Every public utility shall furnish reasonably adequate service and facilities **.** [~~, and~~] ***Subject to the provisions of subsection 3,*** the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

2. Every unjust and unreasonable charge for service of a public utility is unlawful.

[~~3. The Commission may exempt, to the extent it deems reasonable, services related to telecommunication or public utilities which provide telecommunication services from any or all of the provisions of this chapter, upon a determination after hearing that the services are competitive or discretionary and that regulation thereof is unnecessary. For the purposes of this subsection, basic local exchange service and access services provided to interexchange carriers are not discretionary.~~

~~4. The Commission shall adopt regulations necessary to establish a plan of alternative regulation for a public utility that provides telecommunication services. The plan of alternative regulation may include, but is not limited to, provisions that:~~

~~(a) Allow adjustment of the rates charged by a public utility that provides telecommunication services during the period in which the utility elects the plan of alternative regulation.~~

~~(b) Provide for flexibility of pricing for discretionary services and services that are competitive.~~

~~(c) Specify the provisions of this chapter, NRS 426.295 and chapter 707 of NRS that do not apply to a public utility that elects to be regulated under the plan of alternative regulation.~~

~~(d) Except as otherwise provided in this paragraph and NRS 704.68952, if the public utility is an incumbent local exchange carrier, allow the incumbent local exchange carrier to select the duration of the period in which the incumbent local exchange carrier is to be regulated under the plan of alternative regulation. The incumbent local exchange carrier may not select a~~

~~period that is less than 3 years or more than 5 years. The provisions of this paragraph do not apply to a plan of alternative regulation of an incumbent local exchange carrier regulated under a plan of alternative regulation that was approved by the Commission before June 11, 2003.~~

~~5. A public utility that elects to be regulated under a plan of alternative regulation established pursuant to subsection 4 is not subject to the remaining~~]

3. Except as otherwise provided in sections 18 to 30, inclusive, of this act:

(a) A competitive supplier is exempt from any provision of this chapter governing the rates, prices, terms and conditions of any telecommunication service.

(b) A small-scale provider of last resort is subject to the provisions of this chapter, NRS 426.295 [or] ***and*** chapter 707 of NRS **.** ~~[to the extent specified pursuant to paragraph (c) of subsection 4.~~

~~6.]~~ ***4.*** All ***telecommunication*** providers [of telecommunication services] which offer the same or similar service must be subject to fair and impartial regulation, to promote adequate, economical and efficient service.

[~~7. The Commission may~~]

5. To maintain the availability of telephone service in accordance with the regulations adopted pursuant to NRS 704.6873, the Commission shall provide for the levy and collection of [~~an~~] ***a uniform and equitable*** assessment, in an amount determined by the Commission, from [~~a public utility that provides telecommunication services in order to maintain the availability of telephone service.~~] ***all persons furnishing intrastate telecommunication service or the functional equivalent of such service through any form of telephony technology, unless the levy and collection of the assessment with regard to a particular form of technology is prohibited by federal law.*** Assessments levied ***and collected*** pursuant to this subsection must be maintained in a separate fund established by the Commission. The Commission shall contract with an independent administrator to administer the fund pursuant to open competitive bidding procedures established by the Commission. The independent administrator shall collect the assessments levied and distribute them from the fund pursuant to a plan which has been approved by the Commission. Money in the fund must be used for the sole purpose of maintaining the availability of telephone service.

~~[8. As used in this section:~~

~~(a) "Incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.68932.~~

~~(b) "Interexchange carrier" means any person providing intrastate telecommunications service for a fee between two or more exchanges.]~~

Sec. 36. NRS 704.070 is hereby amended to read as follows:

704.070 [~~Unless exempt under the provisions of~~] ***Except as otherwise provided in*** NRS 704.075, 704.095 or 704.097 [~~:~~] ***and sections 18 to 30, inclusive, of this act:***

1. Each public utility shall file with the Commission, within a time to be fixed by the Commission, a copy of all schedules that are currently in force for the public utility. Such schedules must be open to public inspection.

2. A copy of each schedule that is currently in force for the public utility, or so much of the schedule as the Commission deems necessary for inspection by the public, must be:

(a) Printed in plain type and posted in each office of the public utility where payments are made to the public utility by its customers; and

(b) Open to inspection by the public and in such form and place as to be readily accessible to and conveniently inspected by the public.

Sec. 37. NRS 704.100 is hereby amended to read as follows:

704.100 Except as otherwise provided in NRS 704.075 and [~~704.68904 to 704.68984,~~] ***sections 18 to 30,*** inclusive, ***of this act*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 ***:*** [~~or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:~~]

1. A public utility shall not make changes in any schedule, unless the public utility:

(a) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(b) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of subsection 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 and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

4. A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

5. Except as otherwise provided in subsection 6, if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed $2,500:

(a) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(b) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

6. If the applicant is a [~~public utility furnishing telephone service~~] ***small-scale provider of last resort*** and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

7. In making the determination pursuant to subsection 5 or 6, the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

Sec. 38. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and [~~704.68904 to 704.68984,~~] ***sections 18 to 30,*** inclusive, ***of this act*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097 ***:*** [~~or pursuant to the regulations adopted by the Commission in accordance with subsection 4 of NRS 704.040:~~]

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an application to clear its deferred accounts, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in [~~subsections 3 and 13,~~] ***subsection 3,*** if a public utility files with the Commission an application to make changes in any schedule, the Commission shall issue a written order approving or disapproving, in whole or in part, the proposed changes [~~:~~

~~(a) For a public utility that is a PAR carrier, not later than 180 days after the date on which the application is filed; and~~

~~(b) For all other public utilities,~~] not later than 210 days after the date on which the application is filed.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are

measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. An electric utility shall file a general rate application pursuant to this subsection at least once every 24 months based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application on or before October 3, 2005, and at least once every 24 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application on or before November 15, 2006, and at least once every 24 months thereafter.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility which purchases natural gas for resale may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes 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 on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7 or an application to clear its deferred accounts pursuant to subsection 9, if the public utility is otherwise authorized by those provisions to file such an application.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility using deferred accounting pursuant to NRS 704.187; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. If the Commission approves such a request:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment between annual rate adjustment applications. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; and

(IV) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and a review of the transactions and recorded costs of natural gas included in each quarterly rate adjustment and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

9. Except as otherwise provided in subsection 10 and subsection 5 of NRS 704.100, if an electric utility using deferred accounting pursuant to NRS 704.187 files an application to clear its deferred accounts and to change one or more of its rates based upon changes in the costs for purchased fuel or purchased power, the Commission, after a public hearing and by an appropriate order:

(a) Shall allow the electric utility to clear its deferred accounts by refunding any credit balance or recovering any debit balance over a period not to exceed 3 years, as determined by the Commission.

(b) Shall not allow the electric utility to recover any debit balance, or portion thereof, in an amount that would result in a rate of return during the period of recovery that exceeds the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility.

10. Before allowing an electric utility to clear its deferred accounts pursuant to subsection 9, the Commission shall determine whether the costs for purchased fuel and purchased power that the electric utility recorded in its deferred accounts are recoverable and whether the revenues that the electric

utility collected from customers in this State for purchased fuel and purchased power are properly recorded and credited in its deferred accounts. The Commission shall not allow the electric utility to recover any costs for purchased fuel and purchased power that were the result of any practice or transaction that was undertaken, managed or performed imprudently by the electric utility.

11. If an electric utility files an application to clear its deferred accounts pursuant to subsection 9 while a general rate application is pending, the electric utility shall:

(a) Submit with its application to clear its deferred accounts information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

12. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

13. [~~A PAR carrier may, in accordance with this section and NRS 704.100, file with the Commission a request to approve or change any schedule to provide volume or duration discounts to rates for telecommunication service for an offering made to all or any class of business customers. The Commission may conduct a hearing relating to the request, which must occur within 45 days after the date the request is filed with the Commission. The request and schedule shall be deemed approved if the request and schedule are not disapproved by the Commission within 60 days after the date the Commission receives the request.~~

~~14.~~] As used in this section:

(a) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(b) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.187.

~~[(d) "PAR carrier" has the meaning ascribed to it in NRS 704.68942.]~~

Sec. 39. NRS 704.120 is hereby amended to read as follows:

704.120 1. If, upon any hearing and after due investigation, the rates, tolls, charges, schedules or joint rates shall be found to be unjust, unreasonable or unjustly discriminatory, or to be preferential, or otherwise in violation of any of the provisions of this chapter, the Commission shall have the power to fix and order substituted therefor such rate or rates, tolls, charges or schedules as shall be just and reasonable.

2. If it shall in like manner be found that any regulation, measurement, practice, act or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of the provisions of this chapter, or if it be found that the service is inadequate, or

that any reasonable service cannot be obtained, the Commission shall have the power to substitute therefor such other regulations, measurements, practices, service or acts and make such order relating thereto as may be just and reasonable.

3. When complaint is made of more than one rate, charge or practice, the Commission may, in its discretion, order separate hearings upon the several matters complained of and at such times and places as it may prescribe.

4. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

5. The Commission may at any time, upon its own motion, investigate any of the rates, tolls, charges, rules, regulations, practices and service, and, after a full hearing as above provided, by order, make such changes as may be just and reasonable, the same as if a formal complaint had been made.

6. The provisions of this section do not apply to a competitive supplier, except that a competitive supplier that is an incumbent local exchange carrier is subject to the provisions of this section with regard to:

(a) The provision of basic network service until January 1, 2012; and

(b) Any general rate application filed by the competitive supplier pursuant to paragraph (b) of subsection 2 of section 25 of this act. If the competitive supplier files such a general rate application, the general rate case proceeding must be conducted by the Commission in accordance with this section and NRS 704.110.

Sec. 40**.** NRS 704.175 is hereby amended to read as follows:

704.175 1. Except as provided in subsection 2, any public utility which installs or modifies any electrical supply line in any building or facility which it owns or operates, if the building or facility is open and accessible to the general public, shall perform such installation or modification as if the National Electrical Code adopted by the National Fire Protection Association applied to such work, and any local government which regulates electrical construction shall inspect such work within its jurisdiction for compliance with this section.

2. Communication equipment and related apparatus are exempted from the provisions of subsection 1 only if the equipment and apparatus ~~[is]~~ ***are*** owned, installed, operated and maintained by a ~~[public utility which provides communication services~~] ***telecommunication provider*** under the jurisdiction of the Commission.

Sec. 41**.** NRS 704.210 is hereby amended to read as follows:

704.210 ~~[The]~~

1. Except as otherwise provided in subsection 2, the Commission may:

~~[1.]~~ ***(a)*** Adopt necessary and reasonable regulations governing the procedure, administration and enforcement of the provisions of this chapter, subject to the provisions of NRS 416.060.

~~[2.]~~ ***(b)*** Prescribe classifications of the service of all public utilities and, except as otherwise provided in NRS 704.075, fix and regulate the rates therefor.

~~[3.]~~ ***(c)*** Fix just and reasonable charges for transportation of all intrastate freight and passengers and the rates and tolls for the use of telephone lines within the State.

~~[4.]~~ ***(d)*** Adopt just and reasonable regulations for the apportionment of all joint rates and charges between public utilities.

~~[5.]~~ ***(e)*** Consider the need for the conservation of energy when acting pursuant to the provisions of [~~subsections 1, 2 and 3.~~] ***this subsection.***

2. The provisions of subsection 1 do not apply to a competitive supplier.

Sec. 42**.** NRS 704.215 is hereby amended to read as follows:

704.215 [~~The~~]

1. Subject to the provisions of this chapter, the Commission may adopt by reference all or part of any appropriate:

~~[1.]~~ ***(a)*** Rule, regulation or rate [~~related to telecommunications services~~] ***schedule relating to telecommunication service*** issued by an agency of the Federal Government or of any state.

~~[2.]~~ ***(b)*** Regulation proposed by the National Association of Regulatory Utility Commissioners or code issued by a national or state professional society.

[~~➥~~]

2. A copy of each such rule, regulation, rate schedule [~~related to telecommunications services~~] or code [~~so~~] adopted ***by the Commission pursuant to this section*** must be included with the regulations filed with the Secretary of State.

Sec. 43**.** NRS 704.328 is hereby amended to read as follows:

704.328 The provisions of NRS 704.322 to 704.326, inclusive, [~~shall~~] ***do*** not apply to [~~any~~] ***:***

1. A public utility engaged in:

[~~1.~~] ***(a)*** Interstate commerce if 25 percent or more of the operating revenues of such public utility are derived from interstate commerce.

[~~2.~~] ***(b)*** The business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if the utility:

~~[(a)]~~ ***(1)*** Serves 15 persons or less; and

~~[(b)]~~ ***(2)*** Operates in a county whose population is 400,000 or more.

2. A competitive supplier.

Sec. 44. **(Deleted by amendment.)**

Sec. 45. NRS 704.330 is hereby amended to read as follows:

704.330 1. [~~Every public utility~~] ***Except as otherwise provided in this section, any person*** owning, controlling, operating or maintaining or having any contemplation of owning, controlling or operating any public utility shall, before beginning such operation or continuing operations or construction of any line, plant or system or any extension of a line, plant or system within this State, obtain from the Commission a certificate that the present or future public convenience or necessity requires or will require such continued operation or commencement of operations or construction.

2. [~~Nothing in~~] ***The provisions of*** this section [~~requires~~] ***do not require*** a public utility to secure such a certificate for any extension within any town or city within which it lawfully ***has*** commenced operations or for any other extension [~~as long as~~] ***if*** the extension:

(a) Is ***undertaken by a small-scale provider of last resort*** to serve a telephone toll station or stations to be located not more than 10 miles from existing telephone facilities; [~~or~~]

(b) ***Is undertaken for any purpose by a competitive supplier; or***

(c) Remains within the boundaries of the service area which have been established by the Commission for its railroad, line, plant or system, and not then served by a public utility of like character.

3. Upon the granting of any certificate of public convenience, the Commission may make such an order and prescribe such terms and conditions for the location of lines, plants or systems to be constructed, extended or affected as may be just and reasonable.

4. When a complaint has been filed with the Commission alleging that any utility is being operated without a certificate of public convenience and necessity as required by this section, or when the Commission has reason to believe that any provision of this section is being violated, the Commission shall investigate such operations and the Commission may, after a hearing, make its order requiring the owner or operator of the utility to cease and desist from any operation in violation of this section. The Commission shall enforce compliance with such an order under the powers vested in the Commission by law.

5. If any public utility in constructing or extending its line, plant or system interferes or is about to interfere with the operation of the line, plant or system of any other public utility already constructed, the Commission, on complaint of the public utility claiming to be injuriously affected, after hearing, may make such an order prohibiting the construction or extension, or prescribing such terms and conditions for the location of the lines, plants or systems affected, as to it may seem just and reasonable.

6. Except as ***otherwise*** provided in [~~subsection 7, whenever~~] ***subsections 7 and 8, if*** the Commission, after a hearing upon its own motion or upon complaint, finds that there is or will be a duplication of service by public utilities in any area, the Commission shall either issue a certificate of public convenience and necessity assigning specific territories to one or to each of such utilities, or, by certificate of public convenience and necessity, otherwise define the conditions of rendering service and construction, extensions within such territories, and shall order the elimination of such duplication, all upon such terms as are just and reasonable, having due regard to due process of law and to all the rights of the respective parties and to public convenience and necessity.

7. The Commission may allow ***and regulate*** a duplication of service by [~~public utilities~~] ***telecommunication providers*** in an area [~~if:~~

~~(a) The service provided is related to telecommunication; and~~

~~(b) It~~] ***where the provider of last resort is a small-scale provider of last resort if the Commission*** finds that the competition should occur and that any duplication of service is reasonable.

8. The Commission:

(a) Shall allow a duplication of service or facilities by telecommunication providers in an area where the provider of last resort is a competitive supplier; and

(b) On or after January 1, 2012, shall not regulate a duplication of service or facilities by telecommunication providers in an area where the provider of last resort is a competitive supplier.

9. A competitive supplier that is a provider of last resort:

(a) Must provide to the Commission a description of and map depicting the boundaries of the service area in which the Commission has designated the competitive supplier as the provider of last resort; and

(b) May change the boundaries of that service area by filing an application with the Commission. The application shall be deemed approved if the Commission does not act on the application within 120 days after the date the application is filed with the Commission.

Sec. 46. NRS 704.380 is hereby amended to read as follows:

704.380 [~~No~~] ***1. Except as otherwise provided in subsection 2, any*** public utility beginning, prosecuting or completing any new construction in violation of this chapter [~~shall be~~] ***is not*** permitted to levy any tolls or charges for services rendered, and all such tolls and charges [~~shall be~~] ***are*** void.

2. The provisions of subsection 1 do not apply to a competitive supplier that is operating in accordance with the provisions of this chapter governing telecommunication providers.

Sec. 47. NRS 704.390 is hereby amended to read as follows:

704.390 1. [~~It~~] ***Except as otherwise provided in sections 18 to 30, inclusive, of this act, it*** is unlawful for any public utility to discontinue, modify or restrict service to any city, town, municipality, community or territory theretofore serviced by it, except upon 30 days' notice filed with the Commission, specifying in detail the character and nature of the discontinuance or restriction of the service intended, and upon order of the Commission, made after hearing, permitting such discontinuance, modification or restriction of service.

2. Except as otherwise provided in subsection 3, the Commission, in its discretion and after investigation, may dispense with the hearing on the application for discontinuance, modification or restriction of service if, upon the expiration of the time fixed in the notice thereof, no protest against the granting of the application has been filed by or on behalf of any interested person.

3. The Commission shall not dispense with the hearing on the application of an electric utility.

Sec. 48. NRS 704.410 is hereby amended to read as follows:

704.410 1. Any public utility subject to the provisions of NRS 704.001 to 704.7595, inclusive, to which a certificate of public convenience and necessity has been issued pursuant to NRS 704.001 to 704.7595, inclusive, may transfer the certificate to any person qualified under NRS 704.001 to 704.7595, inclusive. Such a transfer is void and unenforceable and is not valid for any purpose unless:

(a) A joint application to make the transfer has been made to the Commission by the transferor and the transferee ~~[,]~~ ***or the transfer is incident to a transaction that is subject to an application under NRS 704.329 approved by the Commission;*** and

(b) The Commission has authorized the substitution of the transferee for the transferor. If the transferor is an electric utility, the Commission shall not authorize the transfer unless the transfer complies with the provisions of NRS 704.7561 to 704.7595, inclusive.

2. The Commission:

(a) Shall conduct a hearing on a transfer involving an electric utility. The hearing must be noticed and conducted in the same manner as other contested hearings before the Commission.

(b) May direct that a hearing be conducted on a transfer involving any other public utility. If the Commission determines that such a hearing should be held, the hearing must be noticed and conducted in the same manner as other contested hearings before the Commission. The Commission may dispense with such a hearing if, upon the expiration of the time fixed in the notice thereof, no protest to the proposed transfer has been filed by or on behalf of any interested person.

3. In determining whether the transfer of a certificate of public convenience and necessity to an applicant transferee should be authorized, the Commission must take into consideration:

(a) The utility service performed by the transferor and the proposed utility service of the transferee;

(b) Other authorized utility services in the territory for which the transfer is sought;

(c) Whether the transferee is fit, willing and able to perform the services of a public utility and whether the proposed operation will be consistent with the legislative policies set forth in NRS 704.001 to 704.7595, inclusive; and

(d) Whether the transfer will be in the public interest.

4. The Commission may make such amendments, restrictions or modifications in a certificate upon transferring it as the public interest requires.

5. No transfer is valid beyond the life of the certificate transferred.

Sec. 49. NRS 704.440 is hereby amended to read as follows:

704.440 1. [~~The~~] ***Except as otherwise provided in subsection 2, the*** Commission may, in its discretion, investigate and ascertain the value of all property of every public utility actually used and useful for the convenience of the public.

~~[2.]~~ In making such ***an*** investigation **,** the Commission may avail itself of all information contained in the assessment rolls of the various counties and the public records and files of all state departments, offices and commissions, and any other information obtainable.

2. The provisions of subsection 1 do not apply to a competitive supplier.

Sec. 50. NRS 704.684 is hereby amended to read as follows:

704.684 1. Except as otherwise provided in ~~[subsection 2 and NRS 704.68984,]~~ ***this section,*** the Commission shall not regulate any broadband service, including imposing any requirements relating to the terms, conditions, rates or availability of broadband service.

2. The provisions of subsection 1 do not limit or modify the authority of the Commission to:

(a) Consider any revenues, costs and expenses that a [~~public utility~~] ***small-scale provider of last resort*** derives from providing a broadband service, if the Commission is determining the rates of the [~~public utility~~] ***provider*** under a general rate application that is filed pursuant to subsection 3 of NRS 704.110;

(b) Act on a complaint filed pursuant to NRS 703.310, if the complaint relates to a broadband service that is provided by a public utility;

(c) Include any appropriate gross operating revenue that a public utility derives from providing broadband service when the Commission calculates the gross operating revenue of the public utility for the purposes of levying and collecting the annual assessment in accordance with the provisions of NRS 704.033; or

(d) Determine the rates, ***pricing,*** terms and conditions of intrastate ~~*[switched or]*~~ special access [~~services.~~] ***service provided by a telecommunication provider.***

3. ***The provisions of subsection 1 do not:***

(a) Apply to the Commission in connection with any actions or decisions required or permitted by the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(b) Limit or modify:

(1) The duties of a telecommunication provider regarding the provision of network interconnection, unbundled network elements and resold services under the provisions of the Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56-161; or

(2) The authority of the Commission to act pursuant to NRS 704.6881 and 704.6882.

4. As used in this section ~~[:~~

~~(a) "Affiliate of an incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.6891.~~

~~(b) "Broadband~~] **,** ***"broadband*** service" means any two-way service that transmits information at a rate that is generally not less than 200 kilobits per second in at least one direction.

~~[(c) "Incumbent local exchange carrier" has the meaning ascribed to it in NRS 704.68932.]~~

Sec. 51. NRS 704.6873 is hereby amended to read as follows:

704.6873 1. The Commission shall adopt regulations that require each [~~utility which provides telecommunication services~~] ***telecommunication provider furnishing service*** to:

(a) An elementary or secondary public school; or

(b) A public library,

➥ to establish discounts in the rates for the telecommunication services that the [~~utility provides~~] ***provider furnishes*** to that school or library. The amount of the discount must be determined by the Commission in a manner that is consistent with the provisions of 47 U.S.C. § 254.

2. The Commission shall adopt regulations that require each ~~[utility which provides telecommunication services~~] ***telecommunication provider furnishing service*** to:

(a) Public or private nonprofit providers of health care which serve persons in rural areas; or

(b) Persons with low income and persons in rural, insular and high-cost areas,

➥ to ensure that such providers of health care and persons have access to telecommunication services that are reasonably comparable to those services available in urban areas and that the rates for such services charged by the ~~[utility]~~ ***telecommunication provider*** are reasonably comparable to those charged in the urban areas, to the extent required by the provisions of 47 U.S.C. § 254.

3. The Commission shall adopt regulations which set forth the requirements for eligibility for ~~[persons]~~ ***:***

(a) Persons with low income [and definitions for] ***to receive a reduction in rates for telephone service pursuant to NRS 707.400 to 707.500, inclusive. The regulations adopted pursuant to this paragraph must provide that if a person is a customer of:***

(1) A competitive supplier that is an incumbent local exchange carrier, the person is eligible to receive a reduction in rates if the person's household has a total household gross income not exceeding 175 percent of the federally established poverty level for a household with the same number of persons; and

(2) Any other competitive supplier or a small-scale provider of last resort, the person is eligible to receive a reduction in rates if the person's household has a total household gross income not exceeding 150 percent of the federally established poverty level for a household with the same number of persons.

(b) Small-scale providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

(c) Competitive suppliers that are providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

4. Any regulations adopted pursuant to this section ***and NRS 704.040 regarding the availability of telephone service*** must ~~[be]~~ ***:***

(a) Be consistent with the ***applicable*** provisions of 47 U.S.C. § 254 ~~[.]~~ ***;***

(b) Define rural, insular and high-cost areas;

(c) Establish nondiscriminatory eligibility requirements for all small-scale providers of last resort that apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas; and

(d) Allow competitive suppliers which are providers of last resort and which meet the eligibility requirements established by the Commission to apply to receive payments from the fund to maintain the availability of telephone service with regard to rural, insular and high-cost areas.

Sec. 52. NRS 704.6875 is hereby amended to read as follows:

704.6875 1. Except as otherwise provided in subsection 2, each ~~[public utility which provides telecommunication services~~] ***telecommunication provider*** shall provide timely written notice to a customer of the duration of each call that is billed to the customer, reported in minutes, seconds or any fraction thereof, if the charges for the telecommunication services are calculated, in whole or in part, on the basis of the duration of the call.

2. The provisions of this section do not apply to measured rate service **.** ~~[that is regulated by the Commission.]~~

Sec. 53. NRS 704.6881 is hereby amended to read as follows:

704.6881 The Commission shall, by regulation:

1. Establish standards of performance and reporting regarding the provision of interconnection, unbundled network elements and resold services, which encourage competition and discourage discriminatory conduct in the provision of local telecommunication services; and

2. Notwithstanding the provisions of NRS 703.320 to the contrary, establish penalties and expedited procedures for imposing penalties upon a ***telecommunication*** provider ~~[of telecommunication services]~~ for actions that are inconsistent with the standards established by the Commission pursuant to subsection 1. Such penalties may include financial payment to the complaining ***telecommunication*** provider ~~[of telecommunication services]~~ for a violation of the standards established by the Commission pursuant to subsection 1, provided that any penalty paid must be deducted, with interest, from any other award under any other judicial or administrative procedure for the same conduct in the same reporting period. Any penalty imposed pursuant to this subsection is in lieu of the civil penalties set forth in NRS 703.380 and must be:

(a) Imposed for violating a standard or standards established by regulations of the Commission pursuant to subsection 1;

(b) Determined by the Commission to further the goal of encouraging competition or discouraging discriminatory conduct; and

(c) In an amount reasonable to encourage competition or discourage discriminatory conduct.

Sec. 54. NRS 704.6882 is hereby amended to read as follows:

704.6882 Notwithstanding the provisions of NRS 703.310 and 703.320, the Commission shall establish by regulation expedited procedures for complaints filed by a ***telecommunication*** provider ~~[of telecommunication services]~~ against another ***telecommunication*** provider ~~[of telecommunication services]~~ for any dispute arising under this chapter ***, including, without limitation, a dispute arising under the standards set forth in section 30 of this act,*** or ***arising under*** chapter 703 of NRS. ~~[, including]~~ ***The regulations may include, without limitation,*** specific procedures for interim relief that may include a preliminary decision by a single Commissioner except as to the imposition of monetary penalties.

Sec. 55. NRS 704.6884 is hereby amended to read as follows:

704.6884 The provisions of NRS 704.6881 to 704.6884, inclusive, must not be construed to exempt ***telecommunication*** providers ~~[of telecommunication services]~~ from any other applicable statute of this State or the United States relating to consumer and antitrust protections. The exemption provided in paragraph (c) of subsection 3 of NRS 598A.040 does not apply to conduct of, or actions taken by, a ***telecommunication*** provider ~~[of telecommunication services]~~ in violation of the standards established pursuant to subsection 1 of NRS 704.6881.

Sec. 56. Chapter 707 of NRS is hereby amended by adding thereto the provisions set forth as sections 57 to 60, inclusive, of this act.

Sec. 57. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 58, 59 and 60 of this act have the meanings ascribed to them in those sections.***

Sec. 58. ***"Basic network service" has the meaning ascribed to it in section 2 of this act.***

Sec. 59. ***"Telecommunication provider" or "telephone company" has the meaning ascribed to it in section 12 of this act.***

Sec. 60. ***"Telecommunication service" or "telephone service" has the meaning ascribed to it in section 13 of this act.***

Sec. 61. NRS 707.440 is hereby amended to read as follows:

707.440 "Eligible provider" means a ***telecommunication*** provider [~~of telecommunication services~~] that has been designated as an eligible telecommunications carrier by the Commission to receive universal service support pursuant to 47 U.S.C. § 214, as that section existed on January 1, 1999.

Sec. 62. NRS 707.490 is hereby amended to read as follows:

707.490 1. The reduction in the telephone rates provided by lifeline or link up services must be based on the methods for determining reductions which are adopted by the Commission by regulation. The Commission may

provide different methods for determining reductions to allow for differences between eligible providers. The methods may include, without limitation:

(a) Basing the reduction on the tariff filed by the eligible provider with the Commission; or

(b) Establishing a formula pursuant to which the amount of the reduction may be determined.

2. The reduction in such telephone rates applies only to:

(a) [Residential flat rate basic local exchange service;

(b) Residential local exchange access service;

(c) Residential local calling area service; and

(d)] ***Basic network service; and***

(b) Residential service connection charges ~~[.]~~ ***for such basic network service.***

3. [~~The reduced rate for residential local exchange access service, when combined with the reduced rate for residential local calling area service, must not exceed the comparable reduced rate for residential flat rate basic local exchange service.~~

~~4.]~~ If the amount of the reduction in rates provided by an eligible provider to an eligible customer for lifeline services is greater than the amount which the eligible provider receives as universal service support pursuant to 47 U.S.C. § 254, the eligible provider is entitled to reimbursement from the fund ***to maintain the availability of telephone service*** established by the Commission pursuant to NRS 704.040 for the difference between the amount of the reduction and the amount received as universal service support pursuant to 47 U.S.C. § 254.

Sec. 63. NRS 709.050 is hereby amended to read as follows:

709.050 1. The board of county commissioners may grant to any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain street railways, electric light, heat and power lines, gas and water mains, telephone and telegraph lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto, in the streets, alleys, avenues and other places in any unincorporated town in the county, and along the public roads and highways of the county, when the applicant complies with the terms and provisions of NRS 709.050 to 709.170, inclusive.

2. The board of county commissioners shall not:

(a) Impose any terms or conditions on a franchise granted pursuant to subsection 1 for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a

franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

3. As used in NRS 709.050 to 709.170, inclusive:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.]~~ ***January 1, 2007.***

(b) "Street railway" means:

(1) A system of public transportation operating over fixed rails on the surface of the ground; or

(2) An overhead or underground system, other than a monorail, used for public transportation.

➥ The term does not include a super speed ground transportation system as defined in NRS 705.4292.

(c) ~~[~~"Telecommunications~~]~~ ***"Telecommunication*** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

4. As used in this section, "monorail" has the meaning ascribed to it in NRS 705.650.

Sec. 64**.** NRS 709.130 is hereby amended to read as follows:

709.130 1. Every person, company, corporation or association receiving a franchise pursuant to the provisions of NRS 709.050 to 709.170, inclusive, shall:

(a) Provide a plant with all necessary appurtenances of approved construction for the full performance of his franchise duties, rights and obligations, and for the needs, comfort and convenience of the inhabitants of the various unincorporated towns and cities, county or place to which his franchise relates.

(b) Keep the plants and appurtenances, including all tracks, cars, poles, wires, pipes, mains and other attachments, in good repair, so as not to interfere with the passage of persons or vehicles, or the safety of persons or property.

2. Except as otherwise provided in this subsection, the board of county commissioners may when granting such franchise, fix and direct the location of all tracks, poles, wires, mains, pipes and other appurtenances upon the public streets, alleys, avenues and highways as best to serve the convenience of the public. The board may change the location of any appurtenances and permit, upon proper showing, all necessary extensions thereof when the interest or convenience of the public requires. The board shall not require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the county.

3. All poles, except poles from which trolley wires are suspended for streetcar lines, from which wires are suspended for electric railroads, power, light or heating purposes within the boundaries of unincorporated towns and

over public highways must not be less than 30 feet in height, and the wires strung thereon must not be less than 25 feet above the ground.

4. Every person, company, association or corporation operating a telephone, telegraph or electric light, heat or power line, or any electric railway line, shall, with due diligence, provide itself, at its own expense, a competent electrician to cut, repair and replace wires in all cases where cutting or repairing or replacing is made necessary by the removal of buildings or other property through the public streets or highways.

5. No person, company, corporation or association may receive an exclusive franchise nor may any board of county commissioners grant a franchise in such manner or under such terms or conditions as to hinder or obstruct the granting of franchises to other grantees, or in such manner as to obstruct or impede reasonable competition in any business or public service to which NRS 709.050 to 709.170, inclusive, apply.

Sec. 65. NRS 710.140 is hereby amended to read as follows:

710.140 1. The control, management and conduct of any telephone line or system purchased, acquired or constructed by any county must be exercised by the board of county commissioners of such county.

2. The board of county commissioners has the right to employ such persons as may be necessary to carry on the business of the county telephone line or system.

3. The board of county commissioners shall comply with chapter 332 of NRS in letting contracts for the use and benefit of the county telephone line or system.

4. If the Public Utilities Commission of Nevada has provided for the levy and collection of an assessment pursuant to ~~[subsection 7 of]~~ NRS 704.040 for ~~[a]~~ ***the*** fund to maintain the availability of telephone service, the county telephone line or system is subject to the levy and collection of the assessment and is entitled to receive money from the fund under the same terms and conditions as a ~~[public utility that is subject to subsection 7 of NRS 704.040.]~~ ***telecommunication provider regulated pursuant to chapter 704 of NRS.***

5. In carrying on the business of the county telephone line or system, the board of county commissioners may create a separate corporation to provide communication services that are not within the scope of activities regulated pursuant to chapter 704 of NRS. The control and management of the separate corporation must be exercised by the board of county commissioners, and the separate corporation is subject to all applicable provisions of NRS 710.010 to 710.159, inclusive, to the same extent as the county telephone line or system.

6. If, after October 1, 2006, the county telephone line or system provides, outside the territorial boundaries of the county, any communication services that are not within the scope of activities regulated pursuant to chapter 704 of NRS, the county telephone line or system:

(a) With regard to the facilities and property it maintains outside the territorial boundaries of the county, shall comply with the same federal, state

and local requirements that would apply to a privately held company providing the same communication services; and

(b) With regard to the provision of such services outside the territorial boundaries of the county:

(1) Shall comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services;

(2) Shall not use any money from the county general fund for the provision of such services; and

(3) Shall not engage in any transaction with an affiliated entity at prices and terms that are lower than or more favorable than the prices and terms that the county telephone line or system or the affiliated entity would offer to or charge an unaffiliated third party for such a transaction.

7. Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.

8. Except as otherwise provided in subsections 4 and 6, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

9. It is expressly provided that no general or other statute shall limit or restrict the conduct and carrying on of the business of a county telephone line or system by the board of county commissioners except as specifically set forth in this section and NRS 710.145.

10. As used in this section, "affiliated entity" means any entity that is owned, operated or controlled by the same county that owns, operates or controls the county telephone line or system.

Sec. 66. NRS 710.145 is hereby amended to read as follows:

710.145 1. Notwithstanding the provisions of any other statute, a county telephone line or system may extend its communication services outside the territorial boundaries of the county if:

(a) The services are not within the scope of activities regulated pursuant to chapter 704 of NRS and the county telephone line or system complies with the provisions of subsection 6 of NRS 710.140;

(b) The [~~Public Utilities Commission of Nevada has, pursuant to subsection 3 of NRS 704.040, determined that the~~] services are ***extended into an area served by one or more*** competitive [~~or discretionary and that regulation thereof is unnecessary;~~] ***suppliers regulated pursuant to sections 18 to 30, inclusive, of this act;*** or

(c) The Public Utilities Commission of Nevada has, in an action commenced under NRS 704.330 and after 20 days' notice to all telephone utilities providing service in the county into which the extension is to be made, determined that no other telephone service can reasonably serve the area into which the extension is to be made and approves the extension of the system. No such extension may be permitted for a distance of more than 10 miles.

2. If, after October 1, 2005, a county telephone line or system provides any communication services pursuant to paragraph (b) or (c) of subsection 1 outside the territorial boundaries of the county, the county telephone line or system shall:

(a) With regard to the facilities and property it maintains outside the territorial boundaries of the county, comply with the same federal, state and local requirements that would apply to a privately held company providing the same communication services; and

(b) With regard to the provision of such services outside the territorial boundaries of the county, comply with any regulations and rules of the Public Utilities Commission of Nevada that would apply to a privately held company providing the same communication services.

3. If a county telephone line or system and an affiliated entity engage in any transaction to provide communication services outside the territorial boundaries of the county, the Public Utilities Commission of Nevada has jurisdiction over such a transaction to the extent necessary to enforce this section and NRS 710.140.

4. Nothing in this section requires a county telephone line or system to offer any services to or engage in any transaction with an affiliated entity or an unaffiliated third party.

5. Except as otherwise provided in subsections 1, 2 and 3, nothing in this section vests jurisdiction over a county telephone line or system in the Public Utilities Commission of Nevada.

6. As used in this section, "affiliated entity" has the meaning ascribed to it in NRS 710.140.

Sec. 67. NRS 710.147 is hereby amended to read as follows:

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

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

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

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

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

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

4. As used in this section:

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

~~(b) ”Telecommunications]~~ ***section 11 of this act.***

(b) ”Telecommunication service” has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 68. NRS 711.190 is hereby amended to read as follows:

711.190 1. Except as otherwise provided in NRS 318.1194:

(a) A city may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of city property or that portion of the city dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

(b) A county may grant a franchise to a community antenna television company for the construction, maintenance and operation of a community antenna television system which requires the use of the property of the county or any town in the county or that portion of the county or town dedicated to public use for the maintenance of cables or wires underground, on the surface or on poles for the transmission of a television picture.

2. If a local government grants a franchise to two or more community antenna television companies to construct, maintain or operate a community antenna television system in the same area, the local government shall impose the same terms and conditions on each franchise and shall enforce those terms and conditions in a nondiscriminatory manner.

3. A community antenna television company that is granted a franchise pursuant to this chapter may provide [telecommunications] ***telecommunication*** service or interactive computer service without obtaining a separate franchise from the local government.

4. A local government that grants a franchise pursuant to this chapter shall not require the community antenna television company to place its facilities in ducts or conduits or on poles owned or leased by the local government.

5. If a county whose population is 400,000 or more, or an incorporated city located in whole or in part within such a county, grants a franchise pursuant to this chapter, the term of the franchise must be at least 10 years. If a franchisee notifies such a county or city on or before the end of the eighth year of a franchise that it wishes to extend the franchise, the county or city shall, on or before the end of the ninth year of the franchise, grant an extension of 5 years on the same terms and conditions, unless the franchisee has not substantially complied with the terms and conditions of the franchise agreement.

6. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 69. NRS 268.086 is hereby amended to read as follows:

268.086 1. The governing body of an incorporated city whose population is 25,000 or more:

(a) Shall not sell [~~telecommunications~~] ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

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

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

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

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

4. As used in this section:

(a) ~~["Telecommunications"]~~ ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 70. NRS 268.088 is hereby amended to read as follows:

268.088 The governing body of an incorporated city shall not:

1. Impose any terms or conditions on a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

2. Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

3. Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service to place its facilities in ducts or conduits or on poles owned or leased by the city.

4. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [230(e)(2),] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 71. NRS 360.820 is hereby amended to read as follows:

360.820 [~~"Telecommunications~~] ***"Telecommunication*** service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 1, 2003.]~~ ***section 13 of this act.***

Sec. 72. NRS 360.825 is hereby amended to read as follows:

360.825 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government acquires from another entity a public utility that provides electric service, natural gas service, [~~telecommunications~~] ***telecommunication*** service or community antenna television service:

(a) The local government shall make payments in lieu of and equal to all state and local taxes and franchise fees from which the local government is exempt but for which the public utility would be liable if the public utility was not owned by a governmental entity; and

(b) The Nevada Tax Commission shall, solely for the purpose set forth in this paragraph, annually determine and apportion the assessed valuation of the property of the public utility. For the purpose of calculating any allocation or apportionment of money for distribution among local governments pursuant to a formula required by state law which is based partially or entirely on the assessed valuation of taxable property:

(1) The property of the public utility shall be deemed to constitute taxable property to the same extent as if the public utility was not owned by a governmental entity; and

(2) To the extent that the property of the public utility is deemed to constitute taxable property pursuant to this paragraph:

(I) The assessed valuation of that property must be included in that calculation as determined and apportioned by the Nevada Tax Commission pursuant to this paragraph; and

(II) The payments required by paragraph (a) in lieu of any taxes that would otherwise be required on the basis of the assessed valuation of that property shall be deemed to constitute payments of those taxes.

2. The payments in lieu of taxes and franchise fees required by subsection 1 are due at the same time and must be collected, accounted for and distributed in the same manner as those taxes and franchise fees would be due, collected, accounted for and distributed if the public utility was not owned by a governmental entity, except that no lien attaches upon any

property or money of the local government by virtue of any failure to make all or any part of those payments. The local government may contest the validity and amount of any payment in lieu of a tax or franchise fee to the same extent as if that payment was a payment of the tax or franchise fee itself. The payments in lieu of taxes and franchise fees must be reduced if and to the extent that such a contest is successful.

3. The provisions of this section do not:

(a) Apply to the acquisition by a local government of a public utility owned by another governmental entity, except a public utility owned by another local government for which any payments in lieu of state or local taxes or franchise fees was required before its acquisition as provided in this section.

(b) Require a local government to make any payments in lieu of taxes or franchise fees to the extent that the making of those payments would cause a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(c) Require a county to duplicate any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 73. NRS 360.830 is hereby amended to read as follows:

360.830 1. Except as otherwise provided in this section, if on or after July 1, 2003, a local government:

(a) Acquires from another entity a public utility that provides water service or sewer service; or

(b) Expands facilities for the provision of water service, sewer service, electric service, natural gas service, [~~telecommunications~~] ***telecommunication*** service or community antenna television service, and the expansion results in the local government serving additional retail customers who were, before the expansion, retail customers of a public utility which provided that service,

➥ the local government shall enter into an interlocal agreement with each affected local government to compensate the affected local government each fiscal year, as nearly as practicable, for the amount of any money from state and local taxes and franchise fees and from payments in lieu of those taxes and franchise fees, and for any compensation from a local government pursuant to this section, the affected local government would be entitled to receive but will not receive because of the acquisition of that public utility or expansion of those facilities as provided in this section.

2. An affected local government may waive any or all of the compensation to which it may be entitled pursuant to subsection 1.

3. The provisions of this section do not require a:

(a) Local government to provide any compensation to an affected local government to the extent that the provision of that compensation would cause

a deficiency in the money available to the local government to make required payments of principal of, premium, if any, or interest on any bonds or other securities issued to finance the acquisition of that public utility or expansion of those facilities, or to make required payments to any funds established under the proceedings under which those bonds or other securities were issued.

(b) County to duplicate any compensation an affected local government receives from any payments in lieu of taxes required pursuant to NRS 244A.755.

Sec. 74. NRS 598.9682 is hereby amended to read as follows:

598.9682 "Provider" means:

1. A ~~[person who is in the business of providing a telecommunications service;]~~ ***telecommunication provider as defined in section 12 of this act;***

2. An agent, employee, independent contractor or representative of ***such*** a [~~person who is in the business of providing a telecommunications service;~~] ***telecommunication provider;*** or

3. A person who originates a charge for a [telecommunications] ***telecommunication*** service and directly or indirectly bills a customer for the charge.

Sec. 75. NRS 598.9684 is hereby amended to read as follows:

598.9684 ~~[~~"Telecommunications service" means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound over a communications system or network, including, without limitation, a communications system or network that uses analog, digital, electronic, electromagnetic, magnetic or optical technology.~~]~~ ***"Telecommunication service" has the meaning ascribed to it in section 13 of this act.***

Sec. 76. NRS 598.969 is hereby amended to read as follows:

598.969 A provider shall not:

1. Make a statement or representation regarding the provision of a [~~telecommunications~~] ***telecommunication*** service, including, without limitation, a statement regarding the rates, terms or conditions of a [~~telecommunications~~] ***telecommunication*** service, that:

(a) Is false, misleading or deceptive; or

(b) Fails to include material information which makes the statement or representation false, misleading or deceptive.

2. Misrepresent his identity.

3. Falsely state to a person that the person has subscribed or authorized a subscription to or has received a [~~telecommunications~~] ***telecommunication*** service.

4. Omit, when explaining the terms and conditions of a subscription to a ~~[telecommunications]~~ ***telecommunication*** service, a material fact concerning the subscription.

5. Fail to provide a customer with timely written notice containing:

(a) A clear and detailed description relating directly to the services for which the customer is being billed and the amount the customer is being charged for each service;

(b) All terms and conditions relating directly to the services provided; and

(c) The name, address and telephone number of the provider.

6. Fail to honor, within a reasonable period, a request of a customer to cancel a ~~[telecommunications]~~ ***telecommunication*** service pursuant to the terms and conditions for the service.

7. Bill a customer for a ~~[telecommunications]~~ ***telecommunication*** service after the customer has cancelled the ~~[telecommunications]~~ ***telecommunication*** service pursuant to the terms and conditions of the service.

8. Bill a customer for services that the provider knows the customer has not authorized, unless the service is required to be provided by law. The failure of a customer to refuse a proposal from a provider does not constitute specific authorization.

9. Change a customer's subscription to a local exchange carrier or an interexchange carrier unless:

(a) The customer has authorized the change within the 30 days immediately preceding the date of the change; and

(b) The provider complies with the provisions of 47 U.S.C. § 258, as amended, and the verification procedures set forth in 47 C.F.R. part 64, subpart K, as amended.

10. Fail to provide to a customer who has authorized the provider to change his subscription to a local exchange carrier or an interexchange carrier a written confirmation of the change within 30 days after the date of the change.

11. Propose or enter into a contract with a person that purports to:

(a) Waive the protection afforded to the person by any provision of this section; or

(b) Authorize the provider or an agent, employee, independent contractor or representative of the provider to violate any provision of this section.

Sec. 77. NRS 598.9691 is hereby amended to read as follows:

598.9691 The Public Utilities Commission of Nevada may adopt regulations governing the disclosures that must be made by a provider to a customer before the customer may be charged for a ~~[telecommunications]~~ ***telecommunication*** service.

Sec. 78. Section 2.270 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 416, Statutes of Nevada 2001, at page 2096, is hereby amended to read as follows:

Sec. 2.270 Power of Board: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.272, the Board may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to Carson City or the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise.

(d) Provide that any public utility be authorized, for any purpose or object whatever, to install, operate or use within the city mechanical water meters, or similar mechanical devices, to measure the quantity of water delivered to water users.

2. The Board:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

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

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

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the Clerk and made available for public inspection during the business hours of the Office of the Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) [~~"Telecommunications"~~] ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 79. Section 2.272 of the Charter of Carson City, being chapter 565, Statutes of Nevada 1997, at page 2750, is hereby amended to read as follows:

Sec. 2.272 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The Board shall not:

(a) Impose any terms or conditions on a franchise for the provision of [~~telecommunications~~] ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 80. Section 2.280 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2098, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 2 and section 2.285, the City Council may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

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

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

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

(a) ~~["Telecommunications"]~~ ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(b) "Telecommunications]~~ ***section 11 of this act.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 81. Section 2.285 of the Charter of the City of Henderson, being chapter 565, Statutes of Nevada 1997, at page 2752, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides [telecommunications] ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications]~~ ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 82. Section 2.300 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 416, Statutes of Nevada 2001, at page 2100, is hereby amended to read as follows:

Sec. 2.300 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.315, the City Council may:

(a) Provide, by contract, franchise or public ownership or operation, for any utility to be furnished to the residents of the City.

(b) Provide for the construction and maintenance of any facility which is necessary for the provision of those utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges, including fees for connection, for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking and no rate, fee, toll or charge for the services, facilities or commodities which are furnished by any municipally owned or municipally operated utility or undertaking may be prescribed, revised, amended, altered, increased or decreased without proceeding as follows:

(1) There must be filed with the City Clerk and available for public inspection schedules of all rates, fees, tolls and charges which the City has established and which are in force at that time for any service which is performed or product which is furnished in connection with any utility which is owned or operated by the City.

(2) No change may be made in any of those schedules except upon 30 days' notice to the inhabitants of the City and the holding of a public hearing with respect to the proposed change. Notice of the proposed change must be given by at least two publications during the 30-day period before the hearing.

(3) At the time which is set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility which is owned or operated by the City shall furnish reasonably adequate service and facilities, and the charges which are made for any service which is or will be rendered, or for any service which is connected with or incidental to any service which is or will be rendered, by the City must be just and reasonable.

2. Any rate, fee, toll or charge, including any fee for connection which is due for services, facilities or commodities which are furnished by the City or by any utility which is owned or operated by the City pursuant to this section is a lien upon the property to which the service is rendered. The lien:

(a) Must be perfected by filing with the County Recorder of the County a statement by the City Clerk in which he states the amount which is due and unpaid and describes the property which is subject to the lien.

(b) Is coequal with the latest lien upon that property to secure the payment of general taxes.

(c) Is not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(d) Is prior and superior to all liens, claims, encumbrances and titles, other than the liens of assessments and general taxes.

(e) May be enforced and foreclosed in such manner as may be prescribed by ordinance.

3. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

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

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

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

6. As used in this section:

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

~~(b) “Telecommunications]~~ ***section 11 of this act.***

(b) Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 83. Section 2.315 of the Charter of the City of Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2754, is hereby amended to read as follows:

Sec. 2.315 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in [~~47 U.S.C. § 153(46), as that section existed on July 16, 1997.~~] ***section 13 of this act.***

Sec. 84. Section 2.280 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 416, Statutes of Nevada 2001, at page 2103, is hereby amended to read as follows:

Sec. 2.280 Powers of City Council: Provision of utilities.

1. Except as otherwise provided in subsection 3 and section 2.285, the City Council may:

(a) Provide, by contract, franchise and public enterprise, for any utility to be furnished to the City for residents located within or without the City.

(b) Provide for the construction and maintenance of any facilities necessary for the provision of all such utilities.

(c) Prescribe, revise and collect rates, fees, tolls and charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking. Notwithstanding any provision of this Charter to the contrary or in conflict herewith, no rates, fees, tolls or charges for the services, facilities or commodities furnished by any municipally operated or municipally owned utility or undertaking may be prescribed, revised, amended or altered, increased or decreased, without this procedure first being followed:

(1) There must be filed with the City Clerk schedules of rates, fees, tolls or charges which must be open to public inspection, showing all rates, fees, tolls or charges which the City has established and which are in force at the time for any service performed or product furnished in connection therewith by any utility controlled and operated by the City.

(2) No changes may be made in any schedule so filed with the City Clerk except upon 30 days' notice to the inhabitants of the City and a public hearing held thereon. Notice of the proposed change or changes must be given by at least two publications in a newspaper published in the City during the 30-day period before the hearing thereon.

(3) At the time set for the hearing on the proposed change, any person may appear and be heard and offer any evidence in support of or against the proposed change.

(4) Every utility operated by the City shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

(d) Provide, by ordinance, for an additional charge to each business customer and for each housing unit within the City to which water is provided by a utility of up to 25 cents per month. If such a charge is provided

for, the City Council shall, by ordinance, provide for the expenditure of that money for any purpose relating to the beautification of the City.

2. Any charges due for services, facilities or commodities furnished by the City or by any utility operated by the City pursuant to this section is a lien upon the property to which the service is rendered and must be perfected by filing with the County Recorder of Clark County of a statement by the City Clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

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

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

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

6. As used in this section:

(a) "Housing unit" means a:

(1) Single-family dwelling;

(2) Townhouse, condominium or cooperative apartment;

(3) Unit in a multiple-family dwelling or apartment complex; or

(4) Mobile home.

(b) ~~[~~"Telecommunications"~~]~~ ***"Telecommunication"*** has the meaning ascribed to it in [~~47 U.S.C. § 153(43), as that section existed on July 16, 1997.~~

~~(c) "Telecommunications]~~ ***section 11 of this act.***

(c) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 85**.** Section 2.285 of the Charter of the City of North Las Vegas, being chapter 565, Statutes of Nevada 1997, at page 2758, is hereby amended to read as follows:

Sec. 2.285 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 86. Section 2.140 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 325, Statutes of Nevada 2005, at page 1143, is hereby amended to read as follows:

Sec. 2.140 General powers of City Council.

1. Except as otherwise provided in subsection 2 and section 2.150, the City Council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the City, its residents and visitors.

(b) Except as otherwise provided in NRS 598D.150 and 640C.100, regulate and impose a license tax for revenue upon all businesses, trades and professions.

(c) Provide or grant franchises for public transportation and utilities.

(d) Appropriate money for advertising and publicity and for the support of a municipal band.

(e) Enact and enforce any police, fire, traffic, health, sanitary or other measure which does not conflict with the general laws of the State of Nevada. An offense that is made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor against the City whenever the offense is committed within the City.

(f) Fix the rate to be paid for any utility service provided by the City as a public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and is perfected by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Any such lien is:

(1) Coequal with the latest lien upon the property to secure the payment of general taxes.

(2) Not subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell [telecommunications] ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

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

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

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

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

~~(b) “Telecommunications]~~ ***section 11 of this act.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 87. Section 2.150 of the Charter of the City of Reno, being chapter 565, Statutes of Nevada 1997, at page 2761, is hereby amended to read as follows:

Sec. 2.150 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location

of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) "Interactive computer service" has the meaning ascribed to it in 47 U.S.C. § [~~230(e)(2),~~] ***230(f)(2),*** as that section existed on [~~July 16, 1997.~~

~~(b) "Telecommunications~~] ***January 1, 2007.***

(b) "Telecommunication service" has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 88. Section 2.110 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 416, Statutes of Nevada 2001, at page 2107, is hereby amended to read as follows:

Sec. 2.110 Powers of City Council: Provisions for utilities.

1. Except as otherwise provided in subsection 2 and section 2.115, the City Council may:

(a) Provide by contract, franchise or public enterprise, for any utility to be furnished to the City for the residents thereof.

(b) Provide for the construction of any facility necessary for the provisions of such utility.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the City is a lien upon the property to which the service is rendered and must be performed by filing with the County Recorder a statement by the City Clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The City Council:

(a) Shall not sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

(b) May purchase or construct facilities for providing ~~[telecommunications]~~ ***telecommunication*** that intersect with public rights-of-way if the governing body:

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

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

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the City Clerk and made available for public inspection during the business hours of the Office of the City Clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell ~~[telecommunications]~~ ***telecommunication*** service to the general public.

5. As used in this section:

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

~~(b) ”Telecommunications]~~ ***section 11 of this act.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 89. Section 2.115 of the Charter of the City of Sparks, being chapter 565, Statutes of Nevada 1997, at page 2763, is hereby amended to read as follows:

Sec. 2.115 Franchises for the provision of ~~[telecommunications]~~ ***telecommunication*** service.

1. The City Council shall not:

(a) Impose any terms or conditions on a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service other than terms or conditions concerning the placement and location of the telephone or telegraph lines and fees imposed for a business license or the franchise, right or privilege to construct, install or operate such lines.

(b) Require a company that provides ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to obtain a franchise if it provides ~~[telecommunications]~~ ***telecommunication*** service over the telephone or telegraph lines owned by another company.

(c) Require a person who holds a franchise for the provision of ~~[telecommunications]~~ ***telecommunication*** service or interactive computer service to place its facilities in ducts or conduits or on poles owned or leased by the City.

2. As used in this section:

(a) ”Interactive computer service” has the meaning ascribed to it in 47 U.S.C. § ~~[230(e)(2),]~~ ***230(f)(2),*** as that section existed on ~~[July 16, 1997.~~

~~(b) ”Telecommunications]~~ ***January 1, 2007.***

(b) ”Telecommunication service” has the meaning ascribed to it in ~~[47 U.S.C. § 153(46), as that section existed on July 16, 1997.]~~ ***section 13 of this act.***

Sec. 90. NRS 704.68904, 704.68908, 704.6891, 704.68912, 704.68916, 704.6892, 704.68922, 704.68924, 704.68928, 704.68932, 704.68936, 704.6894, 704.68942, 704.68944, 704.68946, 704.68947, 704.68948, 704.68952, 704.68956, 704.6896, 704.68964, 704.68966, 704.68968, 704.68972, 704.68976, 704.6898 and 704.68984 are hereby repealed.

Sec. 91. 1. The Public Utilities Commission of Nevada shall:

(a) On or before December 31, 2007, repeal any regulations which the Commission has adopted pursuant to NRS 704.68904 to 704.68984, inclusive, and any other regulations which are inconsistent with this act; and

(b) Except as otherwise provided in subsections 2 and 3, on or before July 1, 2008, adopt any regulations which are required by or necessary to carry out the provisions of this act.

2. Notwithstanding any other provision of this act:

(a) In carrying out the provisions of NRS 704.6873, as amended by this act, the Commission shall:

(1) Commence a regulatory proceeding to establish the eligibility requirements for competitive suppliers that are providers of last resort to apply to receive payments from the fund to maintain the availability of telephone service based on the need of such competitive suppliers for funding to maintain the availability of telephone service to rural, insular and high-cost areas; and

(2) Conclude that regulatory proceeding and establish the eligibility requirements not later than January 1, 2009.

(b) Except for a small-scale provider of last resort, a competitive supplier that is a provider of last resort:

(1) May not apply to receive payments from the fund to maintain the availability of telephone service until the Commission has completed the regulatory proceeding required by this subsection; and

(2) Is not eligible to receive payments from the fund to maintain the availability of telephone service unless the competitive supplier meets the eligibility requirements established by the Commission in the regulatory proceeding required by this subsection.

3. Notwithstanding any other provision of this act, the Commission shall:

(a) As soon as reasonably practicable, commence a regulatory proceeding to adopt the regulations required by section 15 of this act; and

(b) Conclude that regulatory proceeding and adopt those regulations not later than March 1, 2008.

4. As used in this section, unless the context otherwise requires, the words and terms defined in NRS 704.007 to 704.030, inclusive, and sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 92. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

704.68904 Definitions.

704.68908 "Affected person" defined.

704.6891 "Affiliate of an incumbent local exchange carrier" and "affiliate" defined.

704.68912 "Basic network service" defined.

704.68916 "Competitive service" defined.

704.6892 "Competitive supplier" defined.

704.68922 "Deregulated service" defined.

704.68924 "Discretionary service" defined.

704.68928 "Electing PAR carrier" defined.

704.68932 "Incumbent local exchange carrier" defined.

704.68936 "Local area of transport and access" or "LATA" defined.

704.6894 "Other essential service" defined.

704.68942 "PAR carrier" defined.

704.68944 "Price floor" defined.

704.68946 "Telecommunication" defined.

704.68947 "Telecommunication service" defined.

704.68948 Authority of PAR carrier to become electing PAR carrier for purposes of regulation; procedure for making election.

704.68952 Regulation of electing PAR carrier: Limitations on power of Commission regarding earnings and rates; termination and continuation of plan of alternative regulation; limitations on receipt of money from fund created pursuant to NRS 704.040.

704.68956 Regulation of electing PAR carrier: Approval of Commission required to discontinue or change terms and conditions relating to provision of certain basic network services.

704.6896 Reclassification of basic network services: Authority of Commission; adoption of criteria for reclassification; period for acting on request for reclassification from PAR carrier.

704.68964 Flexibility in pricing and terms of services: Authority of PAR carrier; procedure and requirements for exercising flexibility; PAR carrier permitted to bill customer using fixed price or amount for package of services.

704.68966 Flexibility in pricing and terms of services: Prohibition against anticompetitive acts and practices and unreasonable discrimination among similarly situated customers.

704.68968 Promotional price reductions: Notice; duration; geographic area; nondiscriminatory basis.

704.68972 Introduction of new services: Notice; conditions; exemption from certain regulations of Commission; classification; price.

704.68976 Rates for services to be averaged geographically; exception.

704.6898 Intrastate access prices: Maximum amount; offset of reductions.

704.68984 Powers and duties of Commission and PAR carriers under certain federal and state laws preserved.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:26 p.m.

ASSEMBLY IN SESSION

At 1:31 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 248 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 248.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 634.

"SUMMARY— ~~[Revises provisions relating to approval of nonrestricted gaming licenses in certain counties.]~~ **Makes various changes to provisions governing gaming.** (BDR 41-383)"

"AN ACT relating to gaming; ~~[revising the provisions relating to the approval of nonrestricted gaming licenses in certain counties to authorize local governments in such counties to adopt certain standards that establishments must meet to be granted nonrestricted gaming licenses;]~~ **making various changes concerning pooling tips and gratuities by certain employees of a gaming establishment; providing a penalty;** and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 2 of this bill provides that employees of a gaming establishment who directly assist patrons with playing any games, other than games played with a gaming device, may enter into an agreement to pool tips or gratuities with other employees who customarily and regularly receive tips or gratuities directly from patrons for performing the same essential duties of their jobs. Section 2 further specifies the manner in which such pools must be distributed, prohibits the gaming establishment from requiring a pool that violates the provisions of the section and provides that the requirements do not apply to an employee who is covered by a collective bargaining agreement. Section 3 of this bill requires the Labor Commissioner to enforce the provisions governing

pooling tips and gratuities. Section 3 also makes a violation of the provisions of statutes and regulation governing pooling of tips and gratuities by certain employees of gaming establishments a misdemeanor and further authorizes the Labor Commissioner to impose administrative penalties for such violations.

~~[Under existing law, the Nevada Gaming Commission is prohibited from granting a nonrestricted gaming license for an establishment located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) unless the establishment is a resort hotel, which is defined as a hotel that has a gaming area and more than 200 rooms, at least one bar that seats more than 30 patrons, and at least one restaurant which is always open and which seats more than 60 patrons. (NRS 463.01865, 463.1605) A county, city or town is also authorized to require resort hotels to meet additional standards as a condition of issuance of a gaming license by the county, city or town. (NRS 463.1605)~~

~~This bill provides that the Nevada Gaming Commission is prohibited from granting a nonrestricted gaming license to an establishment located in a county whose population is less than 100,000 unless the establishment meets the standards, if any, that are adopted by the county, city or town in which the establishment is located. This bill also authorizes a county, city or town to adopt standards that require an establishment to have a minimum number of rooms for sleeping accommodations or other specific amenities as a condition of issuance of a gaming license by the county, city or town.]~~

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

Delete existing sections 1 through 2 of this bill and replace with the following new sections 1 through 4:

Section 1. **Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. ***1. An employee of a gaming establishment who directly assists patrons with playing any game, other than a game played with a gaming device, and who customarily and regularly receives tips and gratuities from such patrons may enter into an agreement to pool tips and gratuities with other employees who customarily and regularly receive tips and gratuities directly from patrons for performing the same essential duties of their job. An employee who does not customarily and regularly receive tips and gratuities directly from patrons while performing an essential duty of his job may not participate in an agreement to pool tips and gratuities with other employees who are authorized to pool tips and gratuities pursuant to this subsection.***

2. Any agreement to pool tips and gratuities entered into pursuant to subsection 1 must provide that the tips and gratuities so pooled must be distributed based on the number of hours worked, but may include a provision to allow tips and gratuities to be received by an employee during

authorized periods of leave, including, without limitation, any annual or sick leave.

3. An employee of a gaming establishment shall not accept tips or gratuities from an employee with whom he is not authorized to pool pursuant to subsection 1 and shall not request or compel another employee with whom he is not authorized to pool pursuant to subsection 1 to share his tips or gratuities.

4. A gaming establishment shall not require an employee to pool tips and gratuities in a manner which violates the provisions of this section.

5. The provisions of this section do not apply to any employee who is covered by a collective bargaining agreement to the extent that the collective bargaining agreement conflicts with this section.

Sec. 3. 1. The Labor Commissioner shall enforce the provisions of section 2 of this act and may adopt any regulations he deems necessary to carry out the provisions of this section and section 2 of this act.

2. A person who violates any of the provisions of section 2 of this act or any regulation adopted pursuant this section is guilty of a misdemeanor.

3. In addition to any other remedy or penalty, the Labor Commissioner may impose against a person who violates any of the provisions of section 2 of this act or any regulation adopted pursuant this section, after providing notice and an opportunity for a hearing, an administrative penalty of not more than $5,000 for each such violation.

Sec. 4. **This act become effective upon passage and approval.**

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Beers, and Hardy.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblyman Weber and Bobzien.

Roll call on Assembly Bill No. 95:

YEAS—42.

NAYS—None.

Assembly Bill No. 95 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 304:

YEAS—28.

NAYS—Beers, Christensen, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—13.

NOT VOTING—Carpenter.

Assembly Bill No. 304 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

Remarks by Assemblymen Horne and Carpenter.

Roll call on Assembly Bill No. 369:

YEAS—41.

NAYS—Carpenter.

Assembly Bill No. 369 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Assembly Bill No. 514:

YEAS—41.

NAYS—Manendo.

Assembly Bill No. 514 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 518.

Bill read third time.

Remarks by Assemblymen Oceguera and Mabey.

Roll call on Assembly Bill No. 518:

YEAS—42.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 604:

YEAS—37.

NAYS—Beers, Christensen, Cobb, Settelmeyer, Stewart—5.

Assembly Bill No. 604 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 606.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Carpenter, and Hardy.
Roll call on Assembly Bill No. 606:
YEAS—42.
NAYS—None.
Assembly Bill No. 606 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Madam Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:59 p.m.

ASSEMBLY IN SESSION

At 2:20 p.m.
Madam Speaker presiding.
Quorum present.

Assembly Bill No. 248.
Bill read third time.
Remarks by Assemblymen Anderson, Mabey, Beers, and Horne.
Roll call on Assembly Bill No. 248:
YEAS—32.
NAYS—Allen, Christensen, Cobb, Gansert, Grady, Hardy, Mabey, Marvel, Settelmeyer, Weber—10.
Assembly Bill No. 248 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 153, 192; Assembly Concurrent Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Weinberg, Sandy Macias, Cecilia Pearce, Patsy Redmond, Fritsi Ericson, Karen Damon, Charlotte McConnell, Sue Wagner, Kay Zunino, Nancy Cashell and Diane Seevers.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Martha P. King Elementary School: Troy Graham, Elizabeth Karol, Melissa O'Berto, Seth Kermonde, April Oliver, Annabelle Shattler, Dylan Bylund, Trenton Carmell, Meghan Chase, Jimmie Flores, David Duncan, Katlyn Flores, Brittney Galland, Bradley Henderson, Tyler Hinson, Kaja Obermiller,

Arcadia Pacini, Christian Shamo, Kinsey Smyth, Jacson Tenny, Brittany Tippetts, Jack Wagner, Zachary West, Lauren Axelson, Nicole Benson, Bailey Buttacavoli, Kaitlyn Chymych, Ashley Denney, Laura LeFebvre, Justin Miller, Tyler Roberts, Charlotte Wall, Gabrielle Wylupski, Jesse Bradley, Patrick Garvin, Nicholas Giunta, Alexandria Hubel, Alexa Moreno, Aubrey Klouse, Kailynn Mantia, Joseph Pando, Justin Rockenfeller, Jack Rozycki, Aubrianna Spragno, Gunna Stanton, Nelson VanDiest, Miranda Westmoreland; teachers Marcella Posthuma, Lee Esplin, Terry Willis, Debbie Cattoir, Lee Esplin, Mary Scialabba, Josh Newkirk; chaperones Cindi Graham, Susan Gelecht, Marianne Oliver, Staci Shattler, James Carmell, Elizabeth Chase, Janis Daly, Michael Pacini, Eric Shamo, Lora Smyth, Dianna Tenny, Christine Tippets, Michele Axelson, Arthur Wilke, Amy Denney, Deborah Wall, Theodore Wylupski, Lori Giunta, Nancy Ward, Stacy Mantia, Shelby Spragno, and Olaf Stanton.

On request of Assemblyman Mabey, the privilege of the floor of the Assembly Chamber for this day was extended to Cassidy McGowan.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Sun Valley Elementary School: Josalynn Babcock, Sierra Baltar, Luis Chavez, Brandon Conn, Levani Corona-Rios, Stephanie Cowens, Tawny Cryer, Isis Fetty, Jennifer Fredzess, Raymond Freeman, Eric Jobe, Raychael Jones, Tyler Keiffer, Mandy Lawson, Christina Lomano, Rodrigo Mariscal Moya, Saimeth Martinez, William Martinez, Itayetzi Matus, Yesenia Medina, Brenda Mejia, Alondra Najera, Lily Neeley, Audrina Pacheco, Jason Penate Lopez, Alejandro Perez, Joshua Reich, Dylan Roper, Sierra Turk, Giovanny Vazquez, Sean Zorn, Alexus Adame, Margarita Barba, Jovanni Bowers, Hope Bowles, Sandra Carrillo Soriano, Christian Carson, Edwin Chavez-Vazquez, Cassandra Contreras, Jerry Cordova Murillo, Nickolas Gamble, Lizeth Garcia Medina, Dakota Glover, Manuel Lara, Billy Lau, Renee Leckie, Jessica Levell, Jasmin Lopez Escalante, Rodolfo Lopez Rojas, Hugh Martin, Jessica Ortiz, Pablo Osuna, Edy Rangel, Antonio Rodriguez, Elizabeth Shore, Iveth Sierra Diaz, William Thompson, Jessica Ulloa, Cody Vaughn, Adriana Albarran, Kevin Bautista, Ruth Bautista, Candace Bomer, Christopher Byrd, Jacob Cepeda, Ryan Coffey, Sonia Cordova Murillo, Sandra Cuevas, Kayla Dietrich, Gregorio Flores, Tyree Fry, Jajaira Gonzalez, George Hayman, Ana Hernandez, Codi Kringlie, William Lanier, Antonio Lopez, Ashley Martinez Du Bon, Andi Mendez Rangel, Brittany Moniz, Louise Morales, Bernanda-Marie Nemedez, Joselin Ramos, Christoper Sanchez, Emily Trevino, Sitanliei Tuihalangingie, Andrew Vielbig, Marissa Reeves, Gloria Garcia Anguiano; chaperones and teachers Russell Hunter, John Hancock, Steve Henry, Sandi Sullivan, James Coffey, and Lana Manos.

Assemblyman Oceguera moved that the Assembly adjourn until Wednesday, April 25, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 2:28 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly