## THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 25, 2007

Assembly called to order at 10:32 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Lord, give us the faith to believe that the words now spoken and the yearnings of the hearts now open before You are heard and understood in Your presence. Hold us steady lest we lose our poise. Blunt out speech lest by cutting words and careless deeds we hurt out colleagues and the cause for which we speak. Where we differ in approaches to a problem, may we ever be open to consider another and a better way, guided not by whether it be popular, or expedient, or practical, but always whether it be right. Where we are wrong, make us willing to change and where we are right make us easy to live with. Hear our prayer, O Lord.

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 Judiciary, to which was referred Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chair*

*Madam Speaker:*

Your Committee on Transportation, to which were referred Assembly Bill No. 624; Senate Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2007

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 253, 321, 322, 391, 421, 493, 507, 516, 531, 533, 540, 549, 554.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 13, Senate Amendment No. 843; Assembly Bill No. 41, Senate Amendment No. 735; Assembly Bill No. 50, Senate Amendment No. 759; Assembly Bill No. 51, Senate Amendment No. 936; Assembly Bill No. 53, Senate Amendment No. 733; Assembly Bill No. 54, Senate Amendment No. 835; Assembly Bill No. 67, Senate Amendment No. 742; Assembly Bill No. 80, Senate Amendment No. 801; Assembly Bill No. 90, Amendments Nos. 662, 762; Assembly Bill No. 91, Senate Amendment No. 828; Assembly Bill No. 101, Senate Amendment No. 682; Assembly Bill No. 110, Senate Amendment No. 711;

Assembly Bill No. 112, Senate Amendment No. 665; Assembly Bill No. 120, Senate Amendment No. 882; Assembly Bill No. 137, Senate Amendment No. 754; Assembly Bill No. 142, Senate Amendment No. 800; Assembly Bill No. 143, Senate Amendment No. 799; Assembly Bill No. 145, Senate Amendment No. 855; Assembly Bill No. 165, Senate Amendment No. 940; Assembly Bill No. 176, Senate Amendment No. 826; Assembly Bill No. 194, Senate Amendment No. 763; Assembly Bill No. 195, Senate Amendment No. 737; Assembly Bill No. 216, Senate Amendment No. 738; Assembly Bill No. 228, Senate Amendment No. 849; Assembly Bill No. 239, Senate Amendment No. 844; Assembly Bill No. 249, Senate Amendment No. 773; Assembly Bill No. 263, Senate Amendment No. 813; Assembly Bill No. 304, Senate Amendment No. 911; Assembly Bill No. 319, Senate Amendment No. 869; Assembly Bill No. 334, Senate Amendment No. 814; Assembly Bill No. 342, Senate Amendment No. 798; Assembly Bill No. 352, Senate Amendment No. 947; Assembly Bill No. 383, Senate Amendment No. 785; Assembly Bill No. 404, Senate Amendment No. 857; Assembly Bill No. 406, Senate Amendment No. 739; Assembly Bill No. 410, Senate Amendment No. 834; Assembly Bill No. 418, Senate Amendment No. 757; Assembly Bill No. 424, Senate Amendment No. 734; Assembly Bill No. 433, Senate Amendment No. 806; Assembly Bill No. 443, Senate Amendment No. 816; Assembly Bill No. 463, Senate Amendment No. 941; Assembly Bill No. 468, Senate Amendment No. 897; Assembly Bill No. 485, Senate Amendment No. 833; Assembly Bill No. 489, Senate Amendment No. 825; Assembly Bill No. 490, Senate Amendment No. 817; Assembly Bill No. 496, Senate Amendment No. 898; Assembly Bill No. 498, Senate Amendment No. 752; Assembly Bill No. 512, Senate Amendment No. 705; Assembly Bill No. 517, Senate Amendment No. 867; Assembly Bill No. 529, Senate Amendment No. 818; Assembly Bill No. 535, Senate Amendment No. 703, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 905 to Senate Bill No. 142; Assembly Amendment No. 698 to Senate Bill No. 396.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 699 to Senate Bill No. 244.

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, Senate Bill No. 477 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

Assemblyman Oceguera moved that for the balance of the session, that all rules be suspended, reading so far had considered second reading, rules further suspended, all bills and joint resolutions reported out of committee declared an emergency measure under the Constitution and placed at the top of third reading and final passage.

Motion carried.

Assemblyman Oceguera moved that upon return from the printer all bills and resolutions be placed on the General File for this legislative day.

Motion carried.

Assembly Bill No. 624.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 624:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Assembly Bill No. 624 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblyman Atkinson.

Potential conflict of interest declared by Assemblyman Hardy.

Roll call on Senate Bill No. 161:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 161 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 984.

SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide for the initial appointment by the Governor of justices and judges and any subsequent retention of those justices and judges by election.

Legislative Counsel's Digest:

This resolution amends the Nevada Constitution, which currently provides for the popular election of justices of the Supreme Court and judges of the district court, to provide for: (1) the initial appointment by the Governor of justices and judges, from candidates recommended by the Commission on Judicial Selection; and (2) any subsequent retention of those justices and judges by approval of a ballot question concerning their retention. (Nev. Const. Art. 6, §§ 3, 5) Under this resolution, if a vacancy occurs in the Supreme Court or a district court for any reason, the Governor appoints a justice or judge from candidates selected by the Commission on Judicial Selection, and the initial term of that justice or judge expires on the first Monday of January following the general election occurring at least 12 months after the justice or judge is appointed. Thereafter, if the justice or judge wishes to serve another term, he must declare his candidacy for a

retention election. If ~~[60]~~ **55** percent or more of the votes cast are in favor of the retention of the justice or judge, he will then serve a 6-year term and must run in a retention election if he wishes to serve another 6-year term. If the justice or judge does not declare his candidacy for the retention election or if less than ~~[60]~~ **55** percent of the votes cast are in favor of his retention, a vacancy is created at the end of his term which must be filled by appointment.

In addition, this resolution amends the Nevada Constitution to require each justice or judge who has declared his candidacy for a retention election to undergo a review of his performance as a justice or judge. This resolution creates the Commission on Judicial Performance and requires the Commission to perform these reviews. The review of each justice or judge must consist of a review of the record of the justice or judge and at least one interview of the justice or judge. At the conclusion of this review, the Commission must prepare and release to the public a report containing information about the review and a recommendation on the question of whether the justice or judge should be retained.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 22, be added to Article 6 of the Nevada Constitution to read as follows:

***Sec. 22. 1. Commencing with a term of office that expires on or after December 31, 2011, each justice of the Supreme Court, judge of the court of appeals, if established by the Legislature, or judge of the district court who desires to succeed himself must, on or before July 1 next preceding the expiration of his term of office, declare his candidacy in the manner provided by law. With respect to each justice or judge who so declares, the question must be presented at the next general election, in a form provided by law, whether that justice or judge shall succeed himself.***

***2. If ~~[60]~~ 55 percent or more of the votes cast on the question are cast in favor of the justice or judge succeeding himself, the justice or judge shall succeed himself. The term of office of each justice or judge who succeeds himself is 6 years, and that term begins on the first Monday of January next following the general election at which the justice or judge was chosen to succeed himself.***

***3. If a justice or judge does not declare his candidacy, or if less than ~~[60]~~ 55 percent of the votes cast on the question are cast in favor of the justice or judge succeeding himself, a vacancy is created at the expiration of his term which must be filled by appointment pursuant to Section 20 of this Article.***

***4. Each justice or judge who declares his candidacy to succeed himself must be reviewed by a commission on judicial performance. The review must consist of an examination of the record of the justice or judge and at least one interview of the justice or judge at which the commission discusses with the justice or judge any areas of performance in which the justice or judge needs to improve. At the conclusion of the review, the***

***members of the commission must vote on the question of whether the commission recommends that the justice or judge succeed himself. Not later than 6 weeks before the general election at which the question of whether the justice or judge shall succeed himself is presented, the commission shall prepare and release to the public a report which provides a summary of the findings of the commission, the recommendation of the commission on the question of whether the justice or judge should succeed himself, the rationale for the recommendation and the result of the vote by which the commission made the recommendation. The vote of an individual member of the commission must not be disclosed to the public.***

***5. Each justice of the Supreme Court and judge of the court of appeals, if established by the Legislature, must be reviewed by the permanent Commission on Judicial Performance, composed of:***

***(a) The Chief Justice or an associate justice designated by him, but if the Commission is reviewing a justice of the Supreme Court, the Chief Justice or associate justice designated to be a member of the Commission is disqualified and the other members of the Commission shall select a judge of the district court to take the place of the disqualified member of the Commission for the sole purpose of reviewing justices of the Supreme Court;***

***(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and***

***(c) Two persons, not members of the legal profession, appointed by the Governor.***

***6. Each judge of the district court must be reviewed by a temporary commission on judicial performance, composed of:***

***(a) The permanent Commission on Judicial Performance;***

***(b) Two members of the State Bar of Nevada resident in the judicial district of the judge being reviewed, appointed by the Board of Governors of the State Bar of Nevada; and***

***(c) Two residents of the judicial district of the judge being reviewed, not members of the legal profession, appointed by the Governor.***

***7. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the Supreme Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.***

***8. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission must be appointed when a review is required, and their terms expire when the review has been completed.***

***9. An appointing authority shall not appoint to the permanent Commission more than:***

***(a) One resident of any county.***

***(b) One member of the same political party.***

***➥ No member of the permanent Commission may be a member of a commission on judicial selection or the Commission on Judicial Discipline.***

And be it further

RESOLVED, That Section 3 of Article 6 of the Nevada Constitution be amended to read as follows:

~~[Sec. 3. The justices of the Supreme Court, shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday of January next succeeding their election; provided, that there shall be elected, at the first election under this Constitution, three justices of the Supreme Court who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four, and continue in office thereafter, two, four and six years respectively, from and including the first Monday of January next succeeding [succeeding] their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of office each shall fill, and the justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the senior justice in commission shall be Chief Justice; and in case the commission of any two or more of said justices shall bear the same date, they shall determine by lot, who shall be Chief Justice.]~~

***Sec. 3. The justice of the Supreme Court who is senior in commission shall be Chief Justice. If the commissions of any two or more justices bear the same date, they shall determine by lot who is Chief Justice.***

And be it further

RESOLVED, That Section 5 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 5. The State is hereby divided into nine judicial districts of which the County of Storey shall constitute the First; The County of Ormsby the Second; the County of Lyon the Third; The County of Washoe the Fourth; The Counties of Nye and Churchill the Fifth; The County of Humboldt the Sixth; The County of Lander the Seventh; The County of Douglas the Eighth; and the County of Esmeralda the Ninth. The County of Roop shall be attached to the County of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of the judicial districts and judges therein. But no such change shall take effect, except in case of a vacancy, or the expiration of the term of an incumbent of the ~~[office. At the first general election under this Constitution there shall be elected in each of the respective districts (except as in this Section hereafter~~

~~otherwise provided) one district judge, who shall hold office from and including the first Monday of December A.D., eighteen hundred and sixty four and until the first Monday of January in the year eighteen hundred and sixty seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one district judge in each of the respective judicial districts (except in the First District as in this Section hereinafter provided.) The district judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; provided, that the First Judicial District shall be entitled to, and shall have three district judges, who shall possess]~~ ***office of district judge. In a judicial district with more than one district judge, each judge possesses*** co-extensive and concurrent jurisdiction, and ~~[who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the judges in other judicial districts, any one of said]~~ ***any of those*** judges may preside on the ~~[empanneling [empaneling]]~~ ***empaneling*** of grand juries and the presentment and trial on indictments ~~[, under such rules and regulations as may be]~~ ***in the manner*** prescribed by law.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec **.** ~~[.]~~ 15. The justices of the Supreme Court and district judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law, which shall not be increased or diminished during the term for which they shall have been elected ~~[,]~~ ***or appointed,*** unless a vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of money, to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs ~~[before the expiration of any term of office]~~ ***for any reason*** in the Supreme Court ***or the court of appeals, if established by the Legislature,*** or among the district judges, ~~[the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by]~~ the Commission on Judicial Selection ~~[.]~~ ***shall select three nominees for the vacancy within 60 days after the vacancy occurs. The Commission shall provide the names of the three nominees to the Governor and the public. The Governor may:***

***(a) Appoint a justice or judge from among the three nominees selected for the vacancy by the Commission on Judicial Selection; or***

***(b) Reject all three nominees.***

2. ***After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not appointed a justice or judge or rejected all the nominees, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.***

***3. If the Governor rejects all three nominees selected for the vacancy by the Commission on Judicial Selection, the Commission shall select three additional nominees for the vacancy within 60 days after the date of the rejection. The Commission shall provide the names of the three additional nominees to the Governor and the public. The Governor must appoint a justice or judge from among the three additional nominees selected for the vacancy by the Commission on Judicial Selection.***

***4. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of additional nominees for any vacancy, if the Governor has not made the appointment required by subsection 3, he shall make no other appointment to any public office until he has appointed a justice or judge from the list of additional nominees submitted by the Commission on Judicial Selection.***

***5.*** The ***initial*** term of office of any justice or judge ~~[so]~~ appointed ***pursuant to this Section*** expires on the first Monday of January following the ~~[next general election.~~

~~3.]~~ ***first general election that is held at least 12 calendar months after the date on which the appointment was made.***

***6.*** Each nomination for the Supreme Court shall be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) ~~[Three]~~ ***Four*** members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) ~~[Three]~~ ***Four*** persons, not members of the legal profession, appointed by the Governor.

~~[4.]~~ ***7.*** Each nomination for the district court shall be made by a temporary commission composed of:

(a) The permanent Commission;

(b) ~~[A member]~~ ***Two members*** of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) ~~[A resident of such]~~ ***Two residents of that*** judicial district, not ~~[a member]~~ ***members*** of the legal profession, appointed by the Governor.

~~[5.]~~ ***8.*** If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the appointment of attorneys at

law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

~~[6.]~~ ***9.*** The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission shall be appointed when a vacancy occurs, and their terms shall expire when the nominations for such vacancy have been transmitted to the Governor.

~~[7.]~~ ***10.*** An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

➥ No member of the permanent Commission may be a member of a ***commission on judicial performance or the*** Commission on Judicial Discipline.

~~[8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.~~

~~➥ If a commission on judicial selection is established by another section of this Constitution to nominate persons to fill vacancies on the Supreme Court, such commission shall serve as the permanent Commission established by subsection 3 of this Section.]~~

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

➥ The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the

courts of this State, the Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a ***commission on judicial performance or a*** commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with

this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the General File.

Senate Bill No. 196.

Bill read third time.

The following amendment was proposed by Assemblymen Hardy and Segerblom:

Amendment No. 927.

SUMMARY—Revises provisions relating to ~~[the Department of Cultural Affairs.]~~ **organizations for the promotion of culture.** (BDR 18-548)

AN ACT relating to ~~[the Department of Cultural Affairs;]~~ **organizations for the promotion of culture;** limiting the total face amount of bonds that the Commission for Cultural Affairs may issue annually to provide financial assistance for the preservation and promotion of cultural resources; exempting artifacts donated to the Department **of Cultural Affairs** from the procedures otherwise applicable to state agencies for the acceptance of gifts or grants of property or services; **exempting certain property from**

**taxation;** changing the name of the Nevada State Museum and Historical Society; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Commission for Cultural Affairs to provide financial assistance, in an amount not to exceed $3,000,000 per year from the proceeds of bonds, to governmental entities and nonprofit corporations formed for educational and charitable purposes. (NRS 233C.220, 233C.225) Section 1 of this bill eliminates the $3,000,000 annual cap on financial assistance that may be granted from the proceeds of bonds and provides instead that the face amount of the bonds issued annually to provide such financial assistance may not exceed $3,000,000, thereby allowing additional bond sale proceeds or premiums to be used to provide financial assistance.

Section 3 of this bill exempts artifacts donated to the Department of Cultural Affairs from the procedures otherwise applicable to state agencies for the acceptance of gifts or grants of property or services. (NRS 353.335)

Section 4 **of this bill provides an exemption from taxation for the Boulder City Museum and Historical Association.**

**Section 5** of this bill changes the name of the "Nevada State Museum and Historical Society" to the "Nevada State Museum Las Vegas." (NRS 120A.360, 381.004, 381.207)

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

Section 1. NRS 233C.225 is hereby amended to read as follows:

233C.225 1. The Commission shall determine annually the total amount of financial assistance it will grant from the proceeds of bonds issued pursuant to this section in that calendar year pursuant to NRS 233C.200 to 233C.230, inclusive. The Commission shall notify the State Board of Examiners and the State Board of Finance of that amount. ~~[In no case may the amount to be granted from the proceeds of such bonds exceed $3,000,000 per year.]~~

2. After receiving the notice given pursuant to subsection 1, the State Board of Finance shall issue general obligation bonds of the State of Nevada in the amount necessary to generate the amount to be granted by the Commission from the proceeds of bonds issued pursuant to this section and to pay the expenses related to the issuance of the bonds. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold. ***In no case may the total face amount of the bonds issued pursuant to this section exceed $3,000,000 per year.*** No public debt is created, within the meaning of Section 3 of Article 9 of the Constitution of the State of Nevada, until the issuance of the bonds.

3. The proceeds from the sale of the bonds authorized by this section, after deducting the expenses relating to the issuance of the bonds, must be

deposited with the State Treasurer and credited to the Fund for the Preservation and Promotion of Cultural Resources.

4. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.

~~[5. The amount of financial assistance granted from the proceeds of bonds issued pursuant to this section must not exceed $30,000,000 in any 10-year period. The total face amount of the bonds issued pursuant to this section must not exceed the sum of:~~

~~(a) The amount of financial assistance granted pursuant to this section; and~~

~~(b) The amount necessary to pay the expenses related to the issuance of the bonds, which must not exceed 2 percent of the face amount of the bonds sold.]~~

Sec. 2. NRS 120A.360 is hereby amended to read as follows:

120A.360 1. Except as otherwise provided in subsections 4, 5 and 6, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords in his judgment the most favorable market for the property involved. The Administrator may decline the highest bid and reoffer the property for sale if he considers the price bid insufficient.

2. Any sale held under this section must be preceded by a single publication of notice thereof at least 2 weeks in advance of the sale in a newspaper of general circulation in the county where the property is to be sold.

3. The purchaser at any sale conducted by the Administrator pursuant to this chapter is vested with title to the property purchased, free from all claims of the owner or prior holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of title.

4. The Administrator need not offer any property for sale if, in his opinion, the probable cost of the sale exceeds the value of the property. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation;

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** the Nevada State Museum or the Nevada Historical Society; or

(c) A veterans' or military museum, upon its written request, if the property has military or military historical value and is not wanted by the

Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

6. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period, it may be destroyed.

Sec. 3. NRS 353.335 is hereby amended to read as follows:

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), he may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to him pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

(a) The need for the facility or service to be provided or improved;

(b) Any present or future commitment required of the State;

(c) The extent of the program proposed; and

(d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding $10,000 each in value; and

(b) Governmental grants not exceeding $100,000 each in value,

➥ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Department of Administration, the specific approval of the Chief.

6. This section does not apply to:

(a) The Nevada System of Higher Education; ~~[or]~~

(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 ~~[.]~~ ***; or***

***(c) Artifacts donated to the Department of Cultural Affairs.***

***Sec. 4.*** **NRS 361.110 is hereby amended to read as follows:**

361.110 1. Except as otherwise provided in subsection 2, the buildings, with their furniture and equipment, and the lots of ground on which they stand, used therewith and necessary thereto, of the Nevada Museum of Art, Inc., ***the Boulder City Museum and Historical Association,*** the Young Men's Christian Association, the Young Women's Christian Association, the American National Red Cross or any of its chapters in the State of Nevada, the Salvation Army Corps, the Girl Scouts of America, the Camp Fire Girls, Inc., the Boy Scouts of America and the Sierra Arts Foundation are exempt from taxation.

2. If any property exempt from taxation pursuant to subsection 1 is used for purposes other than those of the organizations described in subsection 1, respectively, and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 381.004 is hereby amended to read as follows:

381.004 1. The Division of Museums and History is hereby created in the Department.

2. The Division consists of the Office of the Administrator and a state system of museums consisting of the following museums and historical societies, which are hereby established as institutions of the Division:

(a) The Nevada State Museum;

(b) The Lost City Museum;

(c) The Nevada ***State*** Museum ~~[and Historical Society;]~~ ***Las Vegas;***

(d) The Nevada Historical Society;

(e) The East Ely Depot Museum;

(f) The Nevada State Railroad Museum in Carson City; and

(g) The Nevada State Railroad Museum in Boulder City.

3. Each institution shall, in accordance with the duties assigned to it by the Administrator, collect, preserve and interpret the history, prehistory and natural history of this State.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 381.207 is hereby amended to read as follows:

381.207 1. The holder of a permit, except as otherwise provided in subsections 2 and 3, who does work upon aboriginal mounds and earthworks, ancient burial grounds, prehistoric sites, deposits of fossil bones or other archeological and vertebrate paleontological features within the State shall give to the State 50 percent of all articles, implements and materials found or discovered, to be deposited with the Nevada State Museum, for exhibition or other use within the State as determined by the Museum Director. The Museum Director may accept less than 50 percent of such items. Upon receipt of items pursuant to this subsection, the Museum Director shall notify the Office of Historic Preservation.

2. The holder of a permit who does any such work within the State under the authority and direction of the Nevada Historical Society, the Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** or an institution or political subdivision of the State shall give 50 percent of all articles, implements and materials found or discovered to the Society, institution or political subdivision. The holder of the permit may retain the other 50 percent.

3. If the Nevada Historical Society, the Nevada ***State*** Museum ~~[and Historical Society,]~~ ***Las Vegas,*** or an institution or political subdivision of the State is the holder of the permit, it may retain all articles, implements and materials found or discovered.

4. Whenever the Office of Historic Preservation acquires articles, implements and materials under the provisions of this section, they must be transferred to the Museum Director for exhibition or other use within the State as determined by the Museum Director.

~~[Sec. 6.]~~ ***Sec. 7.*** 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

~~[Sec. 7.]~~ ***Sec. 8.*** The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

~~[Sec. 8.]~~ ***Sec. 9.*** This act becomes effective upon passage and approval.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblymen Hardy and Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 401.

Bill read third time.

The following amendment was proposed by Assemblymen Segerblom, Kihuen, and Ohrenschall:

Amendment No. 926.

SUMMARY— Requiring the Secretary of State ~~[to report certain information]~~ **and the county clerks to provide certain reports** concerning elections to the Legislature. (BDR 24-248)

AN ACT relating to elections; requiring each county clerk to collect certain information regarding elections and to submit that information to the Secretary of State; requiring the Secretary of State to compile the information collected from the county clerks into a report to be submitted to the Legislature; **requiring the Secretary of State and the county clerks of**

**each county to study the feasibility of changing the deadline for registering to vote in an election;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Chapter 293 of NRS governs elections. Section 1 of this** bill requires the Secretary of State to compile and submit to the Legislature a report concerning each election. Each county clerk is required to collect information on each election regarding uncounted ballots, malfunctions of mechanical voting machines, unopened polling places, challenges to voter eligibility, complaints regarding ballots cast by mail, election audits and provisional ballots. Each county clerk must submit the collected information to the Secretary of State within 60 days after each election. The Secretary of State must compile the information submitted by the county clerks and collected by the Secretary of State from political parties and through the use of his website into a report to be submitted to each regular session of the Legislature.

**Existing law provides that the period for registering to vote at an election ends at 9 p.m. on the third Tuesday preceding an election. For the period beginning on the fifth Sunday preceding an election and ending on the third Tuesday preceding an election, an elector may register to vote only by appearing in person at the office of the county clerk. (NRS 293.560) Section 2 of this bill requires the Secretary of State and the county clerks for each county jointly to study the feasibility of changing the deadline for registering to vote to any date closer to the date of the election up to and including election day. Section 2 also requires the Secretary of State and the county clerks to submit a report concerning the results of the study to the 75th Session of the Nevada Legislature.**

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:***

***(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.***

***(b) A report on each malfunction of any mechanical voting system, including, without limitation:***

***(1) Any known reason for the malfunction;***

***(2) The length of time during which the mechanical voting system could not be used;***

***(3) Any remedy for the malfunction which was used at the time of the malfunction; and***

***(4) Any effect the malfunction had on the election process.***

***(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.***

***(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.***

***(e) A description of each complaint regarding a ballot cast by mail filed with the county clerk and the resolution, if any, of the complaint.***

***(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.***

***(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.***

***2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.***

***3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.***

***4. The Secretary of State shall establish and maintain an Internet website pursuant to which he shall solicit and collect voter comments regarding election processes.***

***5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report that he shall submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature not later than 30 days before the start of each regular session of the Legislature.***

***6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.***

***Sec. 2.*** **1. The Secretary of State and the county clerk of each county jointly shall study the feasibility of changing the deadline for registration of voters to allow qualified electors to register to vote in an election on any date closer to the election up to and including the date of the election.**

**2. The study conducted pursuant to subsection 1 must include, without limitation, an analysis of:**

**(a) The potential for logistical and technical problems in conducting an election if the deadline for the registration of voters is changed;**

**(b) Any fiscal impact that would be likely to result from changing the deadline for the registration of voters;**

**(c) The occurrence of voter fraud that would be likely to result from changing the deadline for the registration of voters;**

**(d) The impact on voter turnout that would be likely to result from changing the deadline for the registration of voters; and**

**(e) A review of the methods by which other states have provided for the registration of voters on the date of the election.**

**3. On or before February 1, 2009, the Secretary of State and the county clerks of each county jointly shall submit a written report of the results of the study conducted pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.**

***Sec. 3.*** **1. This section and section 2 of this act become effective on July 1, 2007.**

**2. Section 1 of this act becomes effective on October 1, 2007.**

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblymen Hardy and Cobb.

Amendment adopted.

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

Senate Bill No. 69.

Bill read third time.

Remarks by Assemblyman Anderson.

Potential conflict of interest declared by Assemblyman Parks.

Roll call on Senate Bill No. 69:

YEAS—40.

NAYS—Christensen.

EXCUSED—Settelmeyer.

Senate Bill No. 69 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblyman Beers.

Roll call on Senate Bill No. 84:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 84 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 117 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 202 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 203 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 288 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 374 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 394 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 516 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 201 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 182 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 310 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 436 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 182.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 182:

YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.

Senate Bill No. 182 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 101:

YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.

Senate Bill No. 101 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Roll call on Senate Bill No. 106:

YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.

Senate Bill No. 106 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 131:

YEAS—38.
NAYS—Beers, Christensen, Cobb—3.
EXCUSED—Settelmeyer.

Senate Bill No. 131 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 136.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Senate Bill No. 136:

YEAS—41.
NAYS—None.
EXCUSED—Settelmeyer.

Senate Bill No. 136 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 222.

Bill read third time.

Remarks by Assemblyman Goedhart.

Roll call on Senate Bill No. 222:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 222 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 993.

SUMMARY—Makes various changes to provisions ~~[governing the State Engineer.]~~ **relating to water.** (BDR 48-206)

AN ACT relating to water; expanding the purposes for which the State Engineer may adopt regulations; **expressing the sense of the Legislature as to the temporary conversion of certain water rights for certain ecological purposes;** authorizing the State Engineer to impose administrative fines and to order payment of the costs of certain proceedings; authorizing the State Engineer to seek injunctive relief for certain violations; **revising provisions relating to the protest of certain applications involving interbasin transfers of groundwater;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Pursuant to existing law, the State Engineer may make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred on him by law. (NRS 532.120) The penalty prescribed for the violation of a majority of the provisions set forth in chapters 533, 534, 535 and 536 of NRS is a misdemeanor. (NRS 533.480, 534.190, 535.110, 536.120)

Section 1 of this bill expands the provisions for which the State Engineer may adopt regulations to include chapters 534, 535 and 536 of NRS in addition to chapter 533 of NRS. **Section 2.5 of this bill provides that it is the policy of the State of Nevada to allow the temporary conversion of certain agricultural water rights for wildlife purposes or to improve the quality or flow of water.** Sections 3, 7, 10 and 14 of this bill provide the State Engineer with the additional authority to impose, after notice and opportunity for a hearing, administrative fines, to require a person to replace certain unlawfully taken or wasted water, and to recover expenses incurred in investigating and stopping various water law violations. Section 7 provides additionally that: (1) in determining violations relating to the unauthorized use of water from certain wells, it is the burden of the State Engineer to prove which user or users of water are withdrawing water in excess of their

individual allotments; and (2) the State Engineer may require users of water from certain wells to install and maintain, at their own expense, meters to measure their individual withdrawal of water.

Sections 4, 8, 11 and 15 of this bill authorize the State Engineer to seek injunctive relief to prevent a violation or continued violation of chapters 533, 534, 535 and 536 of NRS.

**Existing law sets forth requirements for the State Engineer to provide certain notice of an application for a permit to appropriate water. These requirements include publishing the notice in a newspaper and, if the application is for a well, mailing a copy of the notice to owners of real property containing a domestic well that is within 2,500 feet of the proposed well. (NRS 533.360) Existing law also allows an interested person to file with the State Engineer a written protest to the application. (NRS 533.365) Sections 4.7 and 4.9 of this bill require that if the State Engineer fails to grant, deny or hear an application for a permit to appropriate, change the point of diversion of, change the manner of use of, or change the place of use of more than 250 acre-feet of water per annum within 7 years after the date on which the application was submitted, the State Engineer must, if the application involves an interbasin transfer of groundwater, notice a new period of protest of 45 days. This bill also provides that certain successors in interest of persons who had already filed a written protest against the granting of such an application must be allowed to continue pursuing the protest as though they were the person who had filed the original protest.**

Section 16 of this bill requires the State Engineer to consider certain matters in adopting regulations to carry out the amendatory provisions of this bill.

Section 17 of this bill requires the State Engineer, on or before January 1, 2009, to submit to the Director of the Legislative Counsel Bureau a written report detailing his efforts in, and progress toward, the development and adoption of regulations to carry out the amendatory provisions of this bill.

Section 18 of this bill prohibits the State Engineer, before July 1, 2009, from imposing an administrative penalty pursuant to the amendatory provisions of this bill or any regulations adopted to carry out those amendatory provisions.

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

Section 1. NRS 532.120 is hereby amended to read as follows:

532.120 1. The State Engineer ~~[is empowered to]~~ ***may*** make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.

2. The State Engineer ~~[shall have power to make rules,]~~ ***may adopt regulations,*** not in conflict with law, governing the practice and procedure in

all contests before his office, to ~~[insure]~~ ***ensure*** the proper and orderly exercise of the powers granted by law, and the speedy accomplishment of the purposes of ~~[chapter]~~ ***chapters*** 533 ***, 534, 535 and 536*** of NRS. Such rules of practice and procedure ~~[shall]~~ ***must*** be furnished to any person upon application therefor.

Sec. 2. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[3, 4 and]~~ **2.5 to** 4.5 **, inclusive,** of this act.

***Sec. 2.5. The Legislature hereby finds and declares that it is the policy of this State to allow the temporary conversion of agricultural water rights for wildlife purposes or to improve the quality or flow of water.***

Sec. 3. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, certificate, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:***

***(a) Pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.***

***(b) In the case of an unauthorized use or willful waste of water in violation of NRS 533.460 or an unlawful diversion of water in violation of NRS 533.530, or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.***

***2. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.***

***3. An order imposing an administrative fine or requiring the replacement of water or the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.***

Sec. 4. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any permit, certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120.***

***2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, certificate, decision or order issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.***

***3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.***

***4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.***

***5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation specified in this section.***

Sec. 4.5. ***The State Engineer shall not carry out his duties pursuant to this chapter in a manner that conflicts with any applicable provision of a decree or order issued by a state or federal court, an interstate compact or an agreement to which this State is a party for the interstate allocation of water pursuant to an act of Congress.***

***Sec. 4.7.*** **NRS 533.365 is hereby amended to read as follows:**

533.365 1. Any person interested may, within 30 days from the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which shall be verified by the affidavit of the protestant, his agent or attorney.

2. On receipt of a protest, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with him, which advice shall be sent by certified mail.

3. The State Engineer shall consider the protest, and may, in his discretion, hold hearings and require the filing of such evidence as he may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

4. The State Engineer shall adopt rules of practice regarding the conduct of such hearings. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

***5. The provisions of this section do not prohibit the noticing of a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application, if such notification is required to be given pursuant to subsection 8 of NRS 533.370.***

***Sec. 4.9.*** **NRS 533.370 is hereby amended to read as follows:**

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

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

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

district or lessen the efficiency of the district in its delivery or use of water; and

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

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

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

2. Except as otherwise provided in this subsection and subsections 3 and ~~[8,]~~ ***11,*** the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

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

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

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

3. Except as otherwise provided in subsection ~~[8,]~~ ***11,*** the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:

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

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

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

5. Except as otherwise provided in subsection ~~[8,]~~ ***11,*** where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

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

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

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

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

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

7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection ~~[9,]~~ ***12,*** if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

8. ***If:***

***(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;***

***(b) The application involves an amount of water exceeding 250 acre-feet per annum;***

***(c) The application involves an interbasin transfer of groundwater; and***

***(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,***

***➥ the State Engineer shall notice a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that***

***notification, be mailed to the board of county commissioners of the county of origin.***

***9. Except as otherwise provided in subsection 10, a person who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.***

***10. If a person is the successor in interest of an owner of a water right, an owner of real property containing a domestic well or an owner of an interest in a domestic well, and if that previous owner had already filed a written protest against the granting of an application to allow an interbasin transfer of groundwater, the successor in interest must be allowed to pursue that protest in the same manner as though he were the previous owner to whose interest he succeeded. If such a successor in interest wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8, the successor need not file with the State Engineer a new written protest but must, within 45 days after the date on which the notification was entered and mailed, inform the Office of the State Engineer that he wishes to continue pursuing the protest.***

***11.*** The provisions of subsections 1 to 6, inclusive, do not apply to an application for an environmental permit.

~~[9.]~~ ***12.*** The provisions of subsection 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

~~[10.]~~ ***13.*** As used in this section ~~[, "interbasin]~~ ***:***

***(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.***

***(b) "Domestic well" has the meaning ascribed to it in NRS 534.350.***

***(c) "Interbasin*** transfer of groundwater" means a transfer of groundwater for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.

Sec. 5. NRS 533.450 is hereby amended to read as follows:

533.450 1. Any person feeling himself aggrieved by any order or decision of the State Engineer, acting in person or through his assistants or the water commissioner, affecting his interests, when ~~[such]~~ ***the*** order or decision relates to the administration of determined rights or is made pursuant to NRS 533.270 to 533.445, inclusive, ***or section 3, 7, 10 or 14 of this act,*** may have the same reviewed by a proceeding for that purpose, insofar as may be in the nature of an appeal, which ~~[shall]~~ ***must*** be initiated in the proper court of the county in which the matters affected or a portion

thereof are situated **,** ~~[:]~~ but on stream systems where a decree of court has been entered, the action ~~[shall]~~ ***must*** be initiated in the court that entered the decree. ~~[Such]~~ ***The*** order or decision of the State Engineer ~~[shall be and remain]~~ ***remains*** in full force and effect unless proceedings to review the same are commenced in the proper court within 30 days ~~[following]~~ ***after*** the rendition of the order or decision in question and notice thereof is given to the State Engineer as provided in subsection 3.

2. The proceedings in every case ~~[shall]~~ ***must*** be heard by the court, and ~~[shall]~~ ***must*** be informal and summary, but full opportunity to be heard ~~[shall]~~ ***must*** be had before judgment is pronounced.

3. No such proceedings may be entertained unless notice thereof, containing a statement of the substance of the order or decision complained of, and of the manner in which the same injuriously affects the petitioner's interests, has been served upon the State Engineer, personally or by registered or certified mail, at his office at the State Capital within 30 days following the rendition of the order or decision in question. A similar notice ~~[shall]~~ ***must*** also be served personally or by registered or certified mail upon the person ~~[or persons]~~ who may have been affected by ~~[such]~~ ***the*** order or decision.

4. Where evidence has been filed with, or testimony taken before, the State Engineer, a transcribed copy thereof, or of any specific part of the same, duly certified as a true and correct transcript in the manner provided by law, ~~[shall]~~ ***must*** be received in evidence with the same effect as if the reporter were present and testified to the facts so certified. A copy of the transcript ~~[shall]~~ ***must*** be furnished on demand, at actual cost, to any person affected by ~~[such]~~ ***the*** order or decision, and to all other persons on payment of a reasonable amount therefor, to be fixed by the State Engineer.

5. A bond ~~[shall]~~ ***must*** not be required except when a stay is desired, and the proceedings provided for in this section are not a stay unless, within 5 days ~~[following]~~ ***after*** the service of notice thereof, a bond is filed in an amount to be fixed by the court, with sureties satisfactory to ~~[such]~~ ***the*** court, conditioned to perform the judgment rendered in ~~[such]~~ ***the*** proceedings.

6. Costs ~~[shall]~~ ***must*** be paid as in civil cases brought in the district court, except by the State Engineer or the State.

7. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

8. Appeals may be taken to the Supreme Court from the judgment of the district court in the same manner as in other civil cases.

9. The decision of the State Engineer ~~[shall be]~~ ***is*** prima facie correct, and the burden of proof ~~[shall be]~~ ***is*** upon the party attacking the same.

10. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, he shall request the Attorney General to appear and protect the interests of the State.

Sec. 6. Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. ***1. Except as otherwise provided in NRS 534.280, 534.310 and 534.330 and in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120 to:***

***(a) Pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.***

***(b) In the case of an unlawful waste of water in violation of NRS 534.070 or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.***

***2. In determining violations of this chapter relating to the unauthorized use of water yielded from a well that is used pursuant to a permit issued by the State Engineer and that has 16 or fewer connections, the State Engineer has the burden of proving which user is withdrawing water in excess of the portion of water allotted to the connection of that user. The State Engineer may require any or all users of the well to install and maintain, at their own expense, a meter that measures the amount of water withdrawn from the well by each connection.***

***3. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.***

***4. An order imposing an administrative fine or requiring the replacement of water or payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.***

Sec. 8. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120.***

***2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.***

***3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.***

***4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.***

***5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.***

Sec. 9. Chapter 535 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 and 11 of this act.

Sec. 10. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.***

***2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.***

***3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.***

Sec. 11. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.***

***2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any permit, order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.***

***3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.***

***4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.***

***5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.***

Sec. 12. NRS 535.100 is hereby amended to read as follows:

535.100 1. ~~[It is unlawful for any person being]~~ ***Any person who is*** the owner of or in possession of any sawmill used for the making of lumber, or any slaughterhouse, brewery or tannery ~~[to]~~ ***shall not*** injure or obstruct the natural flow of water in any river, creek or other stream.

2. Any city or county government, or any person, ~~[being]~~ ***who is*** the owner of or in possession of any agricultural lands ~~[, who may be]~~ ***and who is*** injured by reason of the violation on the part of any person of the provisions contained in subsection 1 ~~[, shall have the right to]~~ ***may*** commence and maintain an action against ~~[such]~~ ***the*** person for any damage sustained, in such manner as may be provided by law.

~~[3. Any person who shall willfully and knowingly violate the provisions of this section shall be punished by a fine of not more than $500.]~~

Sec. 13. Chapter 536 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.

Sec. 14. ***1. In addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120 to pay an administrative fine not to exceed $10,000 per day for each violation as determined by the State Engineer.***

***2. If an administrative fine is imposed against a person pursuant to subsection 1, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.***

***3. An order imposing an administrative fine or requiring the payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to NRS 533.450.***

Sec. 15. ***1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120.***

***2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, any order or decision issued by the State Engineer pursuant to this chapter or any regulation adopted by the State Engineer pursuant to NRS 532.120, the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.***

***3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.***

***4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.***

***5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.***

Sec. 16. The State Engineer shall, in adopting regulations to carry out the amendatory provisions of this act:

1. Consider establishing a minimum threshold amount of water that a user of water would be required to exceed in using, wasting or diverting water in an unlawful manner before an administrative penalty would be imposed;

2. Comply with the provisions of chapter 233B of NRS;

3. Consider waiving an administrative penalty for a violation if the violator has, in the determination of the State Engineer, made significant progress toward correcting the violation; and

4. In addition to the requirements of subsection 1, consider waiving an administrative penalty in the case of an unauthorized use or willful waste of water in violation of NRS 533.460 or an unlawful diversion of water in violation of NRS 533.530, if the amount of water so used or wasted does not exceed 2 acre-feet per annum.

Sec. 17. The State Engineer shall, on or before January 1, 2009, submit to the Director of the Legislative Counsel Bureau a written report detailing the efforts and progress of the State Engineer in developing and adopting regulations to carry out the amendatory provisions of this act.

Sec. 18. The State Engineer shall not, before July 1, 2009, impose an administrative penalty pursuant to the amendatory provisions of this act or any regulations adopted to carry out the amendatory provisions of this act.

Sec. 19. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 289.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 289:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 289 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 307.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 307:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Senate Bill No. 307 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.

Bill read third time.

Remarks by Assemblymen Parks, Mabey, Allen, and Carpenter.

Roll call on Senate Bill No. 409:

YEAS—36.

NAYS—Beers, Christensen, Cobb, Hardy, Mabey, Settelmeyer—6.

Senate Bill No. 409 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 417.

Bill read third time.

Remarks by Assemblyman Womack.

Roll call on Senate Bill No. 417:

YEAS—42.

NAYS—None.

Senate Bill No. 417 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 412, 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 Ways and Means, to which was rereferred Assembly Bill No. 598, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 310 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Senate Bill No. 310.

Bill read third time.

Remarks by Assemblymen Conklin and Carpenter.

Roll call on Senate Bill No. 310:

YEAS—35.

NAYS—Beers, Carpenter, Christensen, Cobb, Goedhart, Marvel, Stewart—7.

Senate Bill No. 310 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 598.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 979.

SUMMARY—Authorizes the creation of ~~[tax increment areas in certain cities for]~~ theme park ~~[projects.]~~ **districts.** (BDR 22-1457)

AN ACT relating to ~~[tax increment areas;]~~ **theme park districts;** authorizing the creation of ~~[tax increment areas]~~ **such districts** in **counties and** certain cities ~~[for theme park projects;]~~ **; providing the powers and duties of such a district; authorizing the board of directors of such a district to impose a user fee for the privilege of conducting business activity in the district; authorizing the board to issue special obligations to finance theme park projects;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the creation of tax increment areas by the governing body of a county or city. (NRS 278C.150) The governing body may dedicate the revenues from the property tax imposed in a tax increment area to the financing, acquisition, improvement or equipment of certain specific undertakings, including a drainage and flood control project, overpass project, sewerage project, street project, underpass project or water project. (NRS 278C.140) Section 2 of this bill provides that, in cities in a county whose population is 100,000 or more (currently Clark and Washoe Counties), such an undertaking may include a theme park project, as defined in section 1 of this bill.]~~ **Section 8 of this bill authorizes any county or incorporated city in this State to establish a theme park district, and authorizes any two or more of those entities to jointly create such a theme park district pursuant to an interlocal agreement. The boundaries of the district need not be contiguous, but must be within the boundaries of the municipalities creating the district, and must not include any private property without the consent of the property owner. Section 8 provides that the general statutory requirements regarding local governmental purchasing, public works projects, municipal obligations,**

**local financial administration and public investments apply to a theme park district, and that any property acquired or constructed by a theme park district is exempt from taxation.**

**Section 9 of this bill requires the appointment of a board of directors for a theme park district that consists of members of the governing bodies of the municipalities that created the district, and applies the Nevada Ethics in Government Law to the members of the board.**

**Section 10 of this bill requires the board to comply with statutory requirements for the maintenance of public records and sets forth the general powers and duties of the board, including the authority to enter into interlocal agreements with other public entities and excluding any authority to acquire property by eminent domain.**

**Section 11 of this bill sets forth the specific authority of the board regarding the financing, acquisition, construction, operation and maintenance of theme parks. Section 11 authorizes the board to award certain contracts without competitive bidding.**

**Section 14 of this bill authorizes the board to impose a user fee for the privilege of conducting business activity in a theme park district at a sufficient rate and only for such a period as necessary to pay any secured obligations of the district.**

**Section 15 of this bill specifies the scope of authority of the board to issue revenue bonds and other special obligations to finance the capital costs to acquire, design, construct and improve the facilities of a theme park, and exempts the State and each applicable county and city from any liability or other responsibility for those obligations. Section 18 of this bill provides that this bill will expire by limitation on December 31, 2015, if no such obligations have been issued or no interlocal agreements have been entered into pursuant to this bill on or before that date.**

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

Delete existing sections 1 through 3 of this bill and replace with the following new sections 1 through 18:

***Section 1.*** **Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 17, inclusive, of this act.**

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

***Sec. 3.*** ***"Board" means the board of directors of a district.***

***Sec. 4.*** ***"District" means a theme park district created pursuant to section 8 of this act.***

***Sec. 5.*** ***"Facility" means any building, structure or other improvement to real property.***

***Sec. 6.*** ***”Municipality” means any county or incorporated city in this State.***

***Sec. 7.*** ***”Theme park project” means any combination of facilities for recreation, entertainment, professional sports, gaming, accommodations, retail sales, amusement or culture, including any support-related and parking facilities, which have central access and are designed to reflect a particular time, place, story or subject, including, without limitation, the consistent presentation of any architecture, costuming, merchandise, food, games, rides and attractions and any supporting facilities.***

***Sec. 8.*** ***1. Except as otherwise provided in subsection 2:***

***(a) The governing body of a municipality may adopt an ordinance creating a theme park district and describing the boundaries of the district. The governing body may, by ordinance, revise the boundaries of the district from time to time.***

***(b) The governing bodies of two or more municipalities may enter into an interlocal agreement providing for the creation of a joint theme park district. Pursuant to the interlocal agreement, each such governing body shall adopt an ordinance creating the joint district and describing the boundaries of the joint district. The governing bodies may, by ordinance, revise the boundaries of the joint district from time to time.***

***2. The area included within the district may be contiguous or noncontiguous and include property located within any one or more of the municipalities creating the district, except that the district must not include any property that is not owned by the municipality or municipalities creating the district unless the owner of the property consents in writing to its inclusion in the district.***

***3. Upon the creation of a district, the district shall be deemed:***

***(a) To constitute:***

***(1) A public body, corporate and politic; and***

***(2) A local government, municipality and public body for the purposes of chapters 332, 338, 350, 354 and 355 of NRS.***

***(b) To be performing a governmental function in carrying out the provisions of this chapter. All property acquired or constructed by the district, all revenues of the district and all the activities of the district in carrying out the provisions of this chapter are exempt from all state and local taxation.***

***Sec. 9.*** ***1. A district must be governed by a board of directors.***

***2. The board must be composed of three members of each governing body which created the district, appointed by the respective governing bodies.***

***3. A member of the board:***

***(a) Serves at the pleasure of the governing body that appointed him, except that no person may serve on the board if he ceases to be a member of the governing body that appointed him;***

***(b) Serves without compensation; and***

*(c) Shall be deemed to be a public officer for the purposes of the Nevada Ethics in Government Law, NRS 281.411 to 281.581, inclusive.*

*4. A majority of the members of the board constitutes a quorum for the transaction of business.*

*5. A member of the board shall not have any direct or indirect financial interest in any:*

*(a) Property which is owned, purchased or constructed by the district;*

*(b) Contract entered into by the district; or*

*(c) Business entity which enters into a contract with the district.*

*Sec. 10. 1. A board shall be deemed to constitute:*

*(a) A governmental entity for the purposes of chapter 239 of NRS; and*

*(b) A political subdivision of this State, a public agency and a local government for the purposes of chapter 277 of NRS.*

*2. A board shall:*

*(a) Appoint from among its members a chairman, secretary and such other officers as it determines necessary to conduct its business;*

*(b) Designate a fiscal agent to deposit, hold, invest and disburse the money of the district;*

*(c) Provide for the acquisition, construction, use and maintenance of any property or interest in property owned or controlled by the district; and*

*(d) Keep and maintain a complete and accurate record of all its proceedings.*

*3. A board may:*

*(a) Adopt and use a corporate seal;*

*(b) Sue and be sued;*

*(c) Enter into such contracts and interlocal agreements as it determines necessary to carry out the provisions of this chapter or otherwise to be in the best interest of the district;*

*(d) Adopt such regulations as it determines to be necessary to administer and operate the district and the property of the district;*

*(e) Acquire by any lawful means, except through the exercise of the power of eminent domain, and operate, maintain, encumber and dispose of real and personal property;*

*(f) Contract for the provision of such consulting, legal, accounting and other professional services as it determines to be necessary to carry out the provisions of this chapter, including, without limitation, professional services for the management of any facility of the district; and*

*(g) If a joint district, enters into interlocal agreements with the governing bodies of the municipalities that created the district for the provision of such administrative support, staff and meeting accommodations as are necessary to carry out the provisions of this chapter.*

*Sec. 11. 1. A board may, on behalf of the district, provide for the financing, acquisition, construction, improvement, equipping, operation*

*and maintenance of one or more theme park projects within any area of the district.*

*2. A board may, on behalf of the district, enter into an agreement with a private entity to provide professional services in negotiating and implementing an operating agreement for a theme park project, if the professional services will be provided by:*

*(a) At least one person who has resided in this State for not less than 10 years and maintains a professional license or portfolio in the development of real estate; and*

*(b) At least one person who has provided similar professional services for a district created pursuant to this chapter or a similar district in another jurisdiction which was authorized to issue at least $1 billion of bonds pursuant to a statute that specifically required proportional private financing.*

*3. Notwithstanding any provision of chapter 332 or 338 of NRS to the contrary, a board may, to expedite the design and construction of any facility of a theme park project or any facility of a local government which is leased to or used by the district pursuant to an interlocal agreement, establish alternate procedures, conditions and requirements for the awarding without competitive bidding of any contract:*

*(a) To a person selected on the basis of qualifications and experience in the design or construction of any facility which is similar to those the district is authorized to construct, lease or use; or*

*(b) Pursuant to which a person agrees to both design and build any facility specified in the contract.*

*Sec. 12. A board may establish the percentage of business conducted in any facility of a theme park project that may consist of retail sales.*

*Sec. 13. A board may, subject to state and local regulatory authority, determine whether to allow the sale, use and consumption of alcoholic beverages on any property acquired, owned or leased by the district.*

*Sec. 14. 1. A board may impose a user fee for the privilege of conducting business activity in the district at such a rate as the board determines to be necessary to pay any obligations issued by the district pursuant to section 15 of this act.*

*2. If a board imposes a user fee pursuant to subsection 1, the board shall:*

*(a) Prescribe the times and methods of payment of the fee and collect the fee when due, and may impose a penalty for the late payment of the fee; and*

*(b) Cease to impose the fee when it determines that all obligations issued by the district pursuant to section 15 of this act have been paid in full. Any amount of the fee received after those obligations have been paid in full must be used to pay the capital costs of acquiring, designing, constructing, reconstructing, equipping and improving the facilities of the theme park*

*project and directly related improvements and of any on-site or off-site public infrastructure for the benefit of the district.*

*Sec. 15. 1. Except as otherwise provided in this section, a board may issue bonds, notes and other securities as special obligations pursuant to chapter 350 of NRS to finance or refinance the capital costs of acquiring, designing, developing, constructing, reconstructing, operating, equipping and improving the facilities of a theme park project and any directly related improvements and of any on-site or off-site public infrastructure for the benefit of the district. Any such bonds, notes or other securities may be secured by a pledge of, and payment from, the proceeds of any fee imposed pursuant to section 14 of this act and received by the district, any financial contributions or other revenue received by the district, or any combination thereof.*

*2. The aggregate principal amount of any such outstanding bonds, notes and other securities issued by the board pursuant to this section must not exceed $8 billion.*

*3. A board shall not issue any bonds, notes or other securities pursuant to this section unless the board determines, which determination shall be deemed to be conclusive, that the board has received legally enforceable financial commitments for the benefit of the district from nongovernmental entities operating the theme park project, in an amount that is not less than 10 percent of the aggregate principal amount of the bonds, notes or other securities to be issued by the board pursuant to this section.*

*4. The fiscal agent of the district shall cancel all bonds, notes and other securities issued pursuant to this section when paid.*

*5. No bond, note or other security issued pursuant to this section:*

*(a) May be secured by or payable from any source other than the proceeds of any user fee imposed pursuant to section 14 of this act and received by the district, any financial contributions or other revenue received by the district, or any combination thereof, or ever become a general obligation of the district.*

*(b) Constitutes for any purpose a debt of the State, any municipality, any member of the board or any person who executes the bond, note or security.*

*Sec. 16. The provisions of NRS 338.010 to 338.090, inclusive, apply to any construction work performed on any facility built for ownership by the district.*

*Sec. 17. 1. A district shall not hold any gaming license.*

*2. Subsection 1 does not prohibit a district from entering into a contract with an entity that holds a Nevada gaming license which provides for interrelated marketing or a joint venture.*

*Sec. 18.* **1. This act becomes effective on January 1, 2008.**

**2. This act expires by limitation on December 31, 2015, if no bonds, notes or other securities or interlocal agreements have been issued or entered into pursuant to this act on or before that date.**

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 412.

Bill read third time.

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

Amendment No. 983.

AN ACT relating to health care; revising the method of selecting certain professionals for various boards related to health care; creating a new type of license for practicing medicine; changing the requirements for a license by endorsement to practice medicine; providing new requirements for certain nursing instructors; ~~[enacting the Nurse Licensure Compact; requiring the State Board of Nursing to pass regulations required for implementation of the Nurse Licensure Compact;]~~ providing two new types of licenses for osteopathic medicine; providing a new type of license as a dispensing optician; providing in statute for the election of officers for the State Board of Physical Therapy Examiners; **making various other changes relating to health care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides methods of selecting certain persons for various boards related to health care. (NRS 630.060, 630A.110, 631.130, 632.030, 633.191, 634.020, 634A.040, 635.020, 636.035, 637.030, 637A.035, 637B.100, 639.030, 640.030, 640A.080, 640B.170, 640B.180, 640C.150, 641.040, 641A.100, 641B.100 and 641C.150) ~~[Sections 1, 4, 8, 9, 12, 26, 59-62, 65-68, 73, 75, 77, 78 and 80-83]~~ **Section 1** of this bill ~~[create]~~ **establishes** new requirements related to selecting such persons if they are members of the profession being regulated by a board. Specifically, each applicable professional association is required to provide a list of nominees to the Governor for vacant positions on such boards. The Governor may, but is not required to, appoint a person from the list.

Existing law provides certain special types of licenses that the Board of Medical Examiners may issue. (NRS 630.258-630.265) Section 3 of this bill provides a new type of license for a foreign expert physician.

Existing law provides for certain persons to receive a license by endorsement to practice medicine. (NRS 630.1605) Section 7 of this bill revises the requirements for such a license.

**Existing law provides that each holder of a license to practice medicine or osteopathic medicine is required to report annually certain information concerning surgeries. (NRS 630.30665, 633.524) Sections 7.5 and 54 of this act require a separate report of certain sentinel events and provide for an administrative penalty to be imposed if the holder of the license fails to file the report or knowingly files false information in a report.**

Existing law provides certain requirements and the procedures for creating requirements for schools and courses of professional nursing. (NRS 632.430-632.470) Section 11 of this bill provides for the various requirements for nursing instructors in clinical practice.

~~[ Existing law provides requirements for licensing and certification related to the practice of nursing. (NRS 632.300-632.345) Section 13 of this bill enacts the Nurse Licensure Compact, which allows for multistate licensure privileges for nurses in states which are parties to the compact. Section 14 of this bill requires the State Board of Nursing to adopt any regulations necessary for the implementation of the Nurse Licensure Compact.~~

~~Existing law provides various requirements regarding the handling of information related to certain conditions, limitations or restrictions placed on a license or certificate related to the practice of nursing. (NRS 632.307) Section 19 of this bill clarifies compliance with the information requirements of the Nurse Licensure Compact.~~

~~Existing law provides exemptions to the requirement that nursing must be practiced in connection with a valid state license. (NRS 632.340) Section 20 of this bill adds the multistate licensure privilege granted pursuant to the Nurse Licensure Compact to those exemptions.~~

~~Existing law provides confidentiality requirements related to investigations by the State Board of Nursing. (NRS 632.405) Section 21 of this bill clarifies that such confidentiality requirements do not affect the information requirements of the Nurse Licensure Compact.]~~

Existing law provides certain types of special licenses that the State Board of Osteopathic Medicine may issue. (NRS 633.401-633.411) Section 24 of this bill provides a new type of license for a foreign expert osteopathic physician. Section 25 of this bill provides a new type of license by endorsement to practice osteopathic medicine.

Existing law provides for the certification of osteopathic physician's assistants by the State Board of Osteopathic Medicine. (NRS 633.101, 633.431, 633.441, 633.451) Section 37 of this bill changes the title of "osteopathic physician's assistant" to "physician assistant." Sections 29 and 30 of this bill provide for the licensure, rather than certification, of such physician assistants. Sections 16, 17, 22, 36, 37, 39, 40, 43, 49, 53, 55, 58, 69, 71 and 84-118 **of this bill** amend various statutes in accordance with these changes.

Existing law provides requirements for the licensing of dispensing opticians. (NRS 637.090-637.140) Section 64 of this bill provides a new type of license for a person with an out-of-state license as a dispensing optician.

Existing law provides for the creation of the State Board of Physical Therapy Examiners. (NRS 640.030) Section 74 of this bill provides for the election of officers for that Board.

Section 119 of this bill repeals certain statutes, including, without limitation, NRS 632.450 which requires that the minimum length for a course of instruction in nursing is 2 years.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.***

***2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.***

***3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.***

***4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C.***

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 **,** [and] 4 ***and 5*** of this act.

Sec. 3. ***1. Except as otherwise provided in NRS 630.161, the Board may issue a restricted license to a person who:***

***(a) Is a graduate of a foreign medical school;***

***(b) Teaches, researches or practices medicine outside the United States;***

***(c) Is a recognized medical expert; and***

***(d) Intends to teach, research or practice clinical medicine at a medical research facility or medical school in this State.***

***2.*** ~~*[Such a person must:*~~

~~*(a) Submit to the Board any documentation and other proof of qualifications required by the Board; and*~~

~~*(b) Meet all of the statutory requirements for licensure to practice medicine in effect at the time of application except for the requirements set forth in NRS 630.160.*~~

~~*3.]*~~ ***A person who applies for a restricted license is not required to take or pass a written examination concerning his qualifications to practice medicine, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.***

***3. A person who holds a restricted license issued pursuant to this section may practice medicine in this State only in accordance with the terms and restrictions established by the Board.***

***4. If a person who holds a restricted license issued pursuant to this section ceases to teach, research or practice clinical medicine in this State at the medical research facility or medical school where he is employed:***

***(a) The medical research facility or medical school, as applicable, shall notify the Board; and***

***(b) Upon receipt of such notification, the restricted license expires automatically.***

~~*[4.]*~~ ***5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.***

~~*[5.]*~~ ***6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.***

Sec. 4. ~~*[A member of the Board described pursuant to subsection 1 of NRS 630.060 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 5. ***A private nonprofit medical school that is licensed by the Commission on Postsecondary Education and approved by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges may, notwithstanding any provision of law to the contrary:***

***1. Operate as a corporation or other business organization or association with ownership or control shared by persons licensed pursuant to this chapter and persons not licensed pursuant to this chapter;***

***2. Operate a clinic in conjunction with the school which is staffed by physicians or osteopathic physicians who are:***

***(a) Licensed pursuant to this chapter or chapter 633 of NRS, respectively; and***

***(b) Members of the faculty of the school; and***

***3. Retain all or a portion of the money generated by a clinic described in subsection 2, including, without limitation, any professional income generated by a physician or osteopathic physician staffing the clinic.***

***Sec. 5.5.*** **NRS 630.130 is hereby amended to read as follows:**

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against physicians for malpractice or negligence; ~~[and]~~

(b) Information reported to the Board during the previous biennium pursuant to NRS ~~[630.30665,]~~ 630.3067, 630.3068, subsections 2 and 3 of NRS 630.307 and NRS 690B.250 and 690B.260 ~~[.]~~ ***; and***

***(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.***

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 6. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.265, inclusive, ***and section 3 of this act,*** a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain such certification for the duration of his licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive

medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of his licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education; or

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of such postgraduate education must be as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; and

(e) Passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

Sec. 7. NRS 630.1605 is hereby amended to read as follows:

630.1605 ***1.*** Except as otherwise provided in NRS 630.161, the Board ~~[may]~~ ***shall, except for good cause,*** issue a license by endorsement to practice medicine to an applicant who has been issued a license to practice medicine by the District of Columbia or any state or territory of the United States if:

~~[1.]~~ ***(a)*** At the time the applicant files his application with the Board, the license is in effect ~~[;~~

~~2. The applicant:~~

~~(a) Submits to the Board proof of passage of an examination approved by the Board;~~

~~(b) Submits to the Board any documentation and other proof of qualifications required by the Board;~~

~~(c) Meets all of the statutory requirements for licensure to practice medicine in effect at the time of application except for the requirements set forth in NRS 630.160; and~~

~~(d) Completes any additional requirements relating to the fitness of the applicant to practice required by the Board; and~~

~~3. Any documentation and other proof of qualifications required by the Board is authenticated in a manner approved by the Board.]~~ ***and unrestricted; and***

***(b) The applicant:***

***(1) Is currently certified by a specialty board of the American Board of Medical Specialties and was certified or recertified within the past 10 years;***

***(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 10 years;***

***(3) Has been continuously and actively engaged in the practice of medicine within his specialty for the past 5 years;***

***(4) Is not involved in and does not have pending any disciplinary action concerning his license to practice medicine in the District of Columbia or any state or territory of the United States;*** ~~*[and]*~~

***(5) Provides information on all the medical malpractice claims brought against him, without regard to when the claims were filed or how the claims were resolved*** ~~*[.]*~~ ***; and***

***(6) Meets all statutory requirements to obtain a license to practice medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 630.160.***

***2. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such an action shall be deemed to be an action of the Board.***

***Sec. 7.5.*** **NRS 630.30665 is hereby amended to read as follows:**

630.30665 1. The Board shall require each holder of a license to practice medicine to submit annually to the Board, on a form provided by the Board ~~[, and in the format required by the Board by regulation,]~~ a report ~~[:~~

~~(a) Stating]~~ ***stating*** the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

~~[(1)]~~ ***(a)*** At a medical facility as that term is defined in NRS 449.0151; or

~~[(2)]~~ ***(b)*** Outside of this State ***.*** ~~[.; and~~

~~(b) Reporting]~~

***2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report annually to the Board concerning*** the occurrence of any sentinel event arising from any ~~[such]~~ surgery ~~[.]~~ ***described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the Administrator of the Health Division of the Department of Health and Human Services for reporting information pursuant to NRS 439.835.***

~~[2.]~~ ***3. Each holder of a license to practice medicine shall submit the report required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1.*** Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action ~~[.]~~ ***pursuant to subsection 8 of NRS 630.306.***

~~[3.]~~ ***4.*** The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

~~[4.]~~ ***5.*** A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[5.]~~ ***6.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[6.]~~ ***7. In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.***

***8.*** As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 8. ~~[Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to subsection 1 of NRS 630A.110 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) or (c) of subsection 1 of NRS 631.130 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 10. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. ***1. An accredited or approved school of nursing, practical nursing or professional nursing may hire as an instructor for clinical practice a person who holds a bachelor's degree in nursing and has at least 5 years of nursing experience in patient care.***

***2. As used in this section, "instructor for clinical practice" means a registered nurse whose primary role is educating prelicensure nursing students in a skills laboratory or practice site.***

Sec. 12. ~~*[A member of the Board described pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 632.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[The Nurse Licensure Compact is hereby ratified, enacted into law and entered into with all jurisdictions legally joining in the Compact, in substantially the form set forth in this section:*~~

~~*Nurse Licensure Compact*~~

~~*ARTICLE I. —Findings and Declaration of Purpose*~~

~~*(a) The party states find that:*~~

~~*(1) The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws.*~~

~~*(2) Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public.*~~

~~*(3) The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation.*~~

~~*(4) New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex.*~~

~~*(5) The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.*~~

~~*(b) The general purposes of this Compact are to:*~~

~~*(1) Facilitate the states' responsibility to protect the public's health and safety.*~~

~~*(2) Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation.*~~

*(3) Facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions.*

*(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction.*

*(5) Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.*

*ARTICLE II. Definitions*

*As used in this Compact:*

*(a) "Adverse action" means a home or remote state action.*

*(b) "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.*

*(c) "Coordinated licensure information system" means an integrated process for collecting, storing and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards.*

*(d) "Current significant investigative information" means:*

*(1) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or*

*(2) Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.*

*(e) "Home state" means the party state which is the nurse's primary state of residence.*

*(f) "Home state action" means any administrative, civil, equitable or criminal action permitted by the home state's laws which are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as revocation, suspension, probation or any other action which affects a nurse's authorization to practice.*

*(g) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.*

*(h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as revocation, suspension, probation or any other action which affects a nurse's authorization to practice.*

*(i) "Nurse" means a registered nurse or licensed practical vocational nurse, as those terms are defined by each party's state practice laws.*

~~*(j) "Party state" means any state that has adopted this Compact.*~~

~~*(k) "Remote state" means a party state, other than the home state, where the patient is located at the time nursing care is provided or, in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.*~~

~~*(l) "Remote state action" means any administrative, civil, equitable or criminal action permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing board or other authority including actions against an individual's multistate licensure privilege to practice in the remote state, and cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof.*~~

~~*(m) "State" means a state, territory or possession of the United States, and the District of Columbia.*~~

~~*(n) "State practice laws" means those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. The term does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.*~~

~~*ARTICLE III. — General Provisions and Jurisdiction*~~

~~*(a) A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.*~~

~~*(b) Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.*~~

~~*(c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.*~~

~~*(d) This Compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.*~~

~~*(e) Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.*~~

~~*ARTICLE IV. Applications for Licensure in a Party State*~~

~~*(a) Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege and whether any other adverse action by any state has been taken against the license.*~~

~~*(b) A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.*~~

~~*(c) A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.*~~

~~*(d) When a nurse changes primary state of residence by:*~~

~~*(1) Moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid.*~~

~~*(2) Moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and will remain in full force if so provided by the laws of the nonparty state.*~~

~~*(3) Moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.*~~

~~*ARTICLE V. Adverse Actions*~~

~~*In addition to the General Provisions described in Article III, the following provisions apply:*~~

~~*(a) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions, including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state*~~

~~*action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.*~~

~~*(b) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate action(s), and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.*~~

~~*(c) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state.*~~

~~*(d) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.*~~

~~*(e) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.*~~

~~*(f) Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of licensure action and that such participation shall remain nonpublic if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.*~~

~~*ARTICLE VI. — Additional Authorities Invested in Party State Nurse Licensing Boards*~~

~~*Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:*~~

~~*(a) If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.*~~

~~*(b) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees*~~

~~*required by the service statutes of the state where the witnesses and/or evidence are located.*~~

~~*(c) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state.*~~

~~*(d) Promulgate uniform rules and regulations as provided for in Article VIII(c).*~~

~~*ARTICLE VII. Coordinated Licensure Information System*~~

~~*(a) All party states shall participate in a cooperative effort to create a coordinated database of all licensed registered nurses and licensed practical vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.*~~

~~*(b) Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system.*~~

~~*(c) Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.*~~

~~*(d) Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing state.*~~

~~*(e) Any personally identifiable information obtained by a party state's licensing board from the coordinated licensure information system may not be shared with nonparty states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.*~~

~~*(f) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.*~~

~~*(g) The Compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this Compact.*~~

~~*ARTICLE VIII. Compact Administration and Interchange of Information*~~

~~*(a) The head of the nurse licensing board, or his designee, of each party state shall be the administrator of this Compact for his state.*~~

~~*(b) The Compact administrator of each party state shall furnish to the Compact administrator of each other party state any information and documents, including, but not limited to, a uniform data set of investigations,*~~

~~*identifying information, licensure data and disclosable alternative program participation information to facilitate the administration of this Compact.*~~

~~*(c) Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this Compact. These uniform rules shall be adopted by party states, under the authority invested under Article VI(d).*~~

~~*ARTICLE IX. — Immunity*~~

~~*No party state or the officers or employees or agents of a party state's nurse licensing board who acts in accordance with the provisions of this Compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this Compact. Good faith in this Article shall not include willful misconduct, gross negligence or recklessness.*~~

~~*ARTICLE X. — Entry into Force, Withdrawal and Amendment*~~

~~*(a) This Compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 6 months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.*~~

~~*(b) No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the Compact of any report of adverse action occurring prior to the withdrawal.*~~

~~*(c) Nothing contained in this Compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a nonparty state that is made in accordance with the other provisions of this Compact.*~~

~~*(d) This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.*~~

~~*ARTICLE XI. — Construction and Severability*~~

~~*(a) This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.*~~

~~*(b) In the event party states find a need for settling disputes arising under this Compact:*~~

~~*(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the Compact*~~

~~*administrator in the home state, an individual appointed by the Compact administrator in the remote state(s) involved and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.*~~

~~*(2) The decision of a majority of the arbitrators shall be final and binding.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[The Board shall adopt any regulations necessary for the implementation of the Nurse Licensure Compact enacted pursuant to section 13 of this act, including, without limitation, any regulations which interpret any parts of the interstate compact that require interpretation and which are necessary for its implementation.]*~~ **(Deleted by amendment.)**

Sec. 15. NRS 632.0126 is hereby amended to read as follows:

632.0126 "Approved school of nursing" means a school of nursing that is approved by the Board as meeting the standards for nursing education established by the Board pursuant to NRS 632.430 to 632.470, inclusive ~~[.]~~ ***, and section 11 of this act.***

Sec. 16. NRS 632.017 is hereby amended to read as follows:

632.017 "Practice of practical nursing" means the performance of selected acts in the care of the ill, injured or infirm under the direction of a registered professional nurse, an advanced practitioner of nursing, a licensed physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a licensed dentist or a licensed podiatric physician, not requiring the substantial specialized skill, judgment and knowledge required in professional nursing.

Sec. 17. NRS 632.018 is hereby amended to read as follows:

632.018 "Practice of professional nursing" means the performance of any act in the observation, care and counsel of the ill, injured or infirm, in the maintenance of health or prevention of illness of others, in the supervision and teaching of other personnel, in the administration of medications and treatments as prescribed by an advanced practitioner of nursing, a licensed physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a licensed dentist or a licensed podiatric physician, requiring substantial specialized judgment and skill based on knowledge and application of the principles of biological, physical and social science, but does not include acts of medical diagnosis or prescription of therapeutic or corrective measures.

Sec. 18. NRS 632.030 is hereby amended to read as follows:

632.030 1. The Governor shall appoint:

(a) Three registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) One practical nurse who is a graduate of an accredited school of practical nursing, is licensed as a practical nurse in this State and has been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One nursing assistant who is certified pursuant to the provisions of this chapter.

(d) One member who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(e) One member who is a representative of the general public. This member must not be:

(1) A licensed practical nurse, a registered nurse, a nursing assistant or an advanced practitioner of nursing; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed practical nurse, a registered nurse, a nursing assistant or an advanced practitioner of nursing.

2. Each member of the Board must be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada who has resided in this State for not less than 2 years.

3. A representative of the general public may not:

(a) Have a fiduciary obligation to a hospital or other health agency;

(b) Have a material financial interest in the rendering of health services; or

(c) Be employed in the administration of health activities or the performance of health services.

4. The members appointed to the Board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:

(a) In administration.

(b) In education.

(c) As an advanced practitioner of nursing.

(d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.

(e) In a licensed medical facility.

5. Each member of the Board shall serve a term of 4 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ ***chapter*** to replace that member for the remainder of the unexpired term.

6. No member of the Board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

Sec. 19. ~~[NRS 632.307 is hereby amended to read as follows:~~

~~632.307 — 1. — The Board may place any condition, limitation or restriction on any license or certificate issued pursuant to this chapter if the Board determines that such action is necessary to protect the public health, safety or welfare.~~

~~2. [The] *Except as otherwise provided by the Nurse Licensure Compact enacted pursuant to section 13 of this act, the* Board shall not report any condition, limitation or restriction placed on a license or certificate issued pursuant to this section to the National Council of State Boards of Nursing Disciplinary Data Bank or any other repository which records disciplinary action taken against licensees or holders of certificates, unless the licensee or holder of the certificate fails to comply with the condition, limitation or restriction placed on the license or certificate. The Board may, upon request, report any such information to an agency of another state which regulates the practice of nursing.~~

~~3. The Board may modify any condition, limitation or restriction placed on a license or certificate issued pursuant to this section if the Board determines it is necessary to protect the public health, safety or welfare.~~

~~4. Any condition, limitation or restriction placed on a license or certificate issued pursuant to this section shall not be deemed to be disciplinary action taken pursuant to NRS 632.325.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 632.340 is hereby amended to read as follows:~~

~~632.340 The provisions of NRS 632.315 do not prohibit:~~

~~1. Gratuitous nursing by friends or by members of the family of a patient.~~

~~2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.~~

~~3. Nursing assistance in the case of an emergency.~~

~~4. The practice of nursing by students enrolled in accredited schools of nursing or by graduates of those schools or courses pending the results of the first licensing examination scheduled by the Board following graduation. A student or graduate may not work as a nursing assistant unless he is certified to practice as a nursing assistant pursuant to the provisions of this chapter.~~

~~5. The practice of nursing in this State by any legally qualified nurse or nursing assistant of another state whose engagement requires him to accompany and care for a patient temporarily residing in this State during the period of one such engagement, not to exceed 6 months, if the person does not represent or hold himself out as a nurse licensed to practice in this State or as a nursing assistant who holds a certificate to practice in this State.~~

~~6. The practice of any legally qualified nurse of another state who is employed by the United States Government, or any bureau, division or agency thereof, while in the discharge of his official duties in this State.~~

~~7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.~~

~~8. A personal assistant from performing services for a person with a disability pursuant to NRS 629.091.~~

~~9. A natural person from providing supported living arrangement services if:~~

~~(a) That person has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive; or~~

~~(b) That person is employed or retained as an independent contractor by a partnership, firm, corporation or association, state or local government or agency thereof that has been issued a certificate pursuant to NRS 435.3305 to 435.339, inclusive, and the regulations adopted pursuant to NRS 435.3305 to 435.339, inclusive.~~

~~As used in this subsection, "supported living arrangement services" has the meaning ascribed to it in NRS 435.3315.~~

~~*10. The practice of nursing pursuant to the Nurse Licensure Compact enacted pursuant to section 13 of this act.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 632.405 is hereby amended to read as follows:~~

~~632.405 1. Except as otherwise provided in this section, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.~~

~~2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose disciplinary action are public records.~~

~~3. This section does not prevent or prohibit the Board from communicating or cooperating with another licensing Board or any agency that is investigating a licensee, including a law enforcement agency.~~

~~*4. This section does not prevent or prohibit the Board from acting pursuant to the Nurse Licensure Compact enacted pursuant to section 13 of this act.]*~~ **(Deleted by amendment.)**

Sec. 22. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 23. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 35, inclusive, of this act.

Sec. 24. ***1. Except as otherwise provided in NRS 633.315, the Board may issue a special license to a person who:***

***(a) Is a graduate of a foreign school which teaches osteopathic medicine;***

***(b) Teaches, researches or practices osteopathic medicine outside the United States;***

***(c) Is a recognized expert in osteopathic medicine; and***

***(d) Intends to teach, research or practice clinical osteopathic medicine at a medical research facility or school of osteopathic medicine in this State.***

***2.*** ~~*[Such a person must:*~~

~~*(a) Submit to the Board any documentation and other proof of qualifications required by the Board; and*~~

~~*(b) Meet all of the statutory requirements for licensure to practice osteopathic medicine in effect at the time of application except for the requirements set forth in NRS 633.315.*~~

~~*3.]*~~ ***A person who applies for a special license is not required to take or pass a written examination concerning his qualifications to practice osteopathic medicine, but the person must satisfy the requirements for a special license set forth in regulations adopted by the Board.***

***3. A person who holds a special license issued pursuant to this section may practice osteopathic medicine in this State only in accordance with the terms and restrictions established by the Board.***

***4. If a person who holds a special license issued pursuant to this section ceases to teach, research or practice clinical osteopathic medicine in this State at the medical research facility or school of osteopathic medicine where he is employed:***

***(a) The medical research facility or school of osteopathic medicine, as applicable, shall notify the Board; and***

***(b) Upon receipt of such notification, the special license expires automatically.***

~~*[4.]*~~ ***5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.***

~~*[5.]*~~ ***6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.***

Sec. 25. ***1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:***

***(a) At the time the person files his application with the Board, the license is in effect and unrestricted; and***

***(b) The applicant:***

***(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, and was certified or recertified within the past 10 years;***

***(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past*** ~~*[10]*~~ ***5 years;***

***(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his specialty for the past 5 years;***

***(4) Is not involved in and does not have pending any disciplinary action concerning his license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;*** ~~*[and]*~~

***(5) Provides information on all the medical malpractice claims brought against him, without regard to when the claims were filed or how the claims were resolved*** ~~*[.]*~~ ***; and***

***(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.***

***2. Any person applying for a license pursuant to this section shall pay in advance to the Board the application and initial license fee specified in this chapter.***

***3. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.***

Sec. 26. ~~*[A member of the Board described pursuant to subsection 1 of NRS 633.191 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 27. ***A private nonprofit school of osteopathic medicine that is licensed by the Commission on Postsecondary Education and approved by the American Osteopathic Association's Commission on College Accreditation may, notwithstanding any provision of law to the contrary:***

***1. Operate as a corporation or other business organization or association with ownership or control shared by persons licensed pursuant to this chapter and persons not licensed pursuant to this chapter;***

***2. Operate a clinic in conjunction with the school which is staffed by osteopathic physicians or physicians who are:***

***(a) Licensed pursuant to this chapter or chapter 630 of NRS, respectively; and***

***(b) Members of the faculty of the school; and***

***3. Retain all or a portion of the money generated by a clinic described in subsection 2, including, without limitation, any professional income generated by an osteopathic physician or physician staffing the clinic.***

Sec. 28. ***1. A physician assistant may perform such medical services as:***

***(a) He is authorized to perform by his supervising osteopathic physician; and***

***(b) Are within his supervising osteopathic physician's scope of practice.***

***2. The Board and supervising osteopathic physician shall limit the authority of a physician assistant to prescribe controlled substances to those schedules of controlled substances that the supervising osteopathic physician is authorized to prescribe pursuant to state and federal law.***

Sec. 29. ***The Board may issue a license as a physician assistant to an applicant who is qualified under the regulations of the Board to perform medical services under the supervision of a supervising osteopathic physician. The application for a license as a physician assistant must include all information required to complete the application.***

Sec. 30. ***The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:***

***1. The educational and other qualifications of applicants.***

***2. The required academic program for applicants.***

***3. The procedures for applications for and the issuance of licenses.***

***4. The tests or examinations of applicants by the Board.***

***5. The medical services which a physician assistant may perform, except that he may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.***

***6. The duration, renewal and termination of licenses.***

***7. The grounds and procedures respecting disciplinary actions against physician assistants.***

***8. The supervision of medical services of a physician assistant by a supervising osteopathic physician.***

Sec. 31. ***1. A physician assistant shall:***

***(a) Keep his license available for inspection at his primary place of business; and***

***(b) When engaged in his professional duties, identify himself as a physician assistant.***

***2. A physician assistant shall not bill a patient separately from his supervising osteopathic physician.***

Sec. 32. ***1. An osteopathic physician may at any time refuse to act as a supervising osteopathic physician for a physician assistant.***

***2. A condition, stipulation or provision in a contract or other agreement which:***

***(a) Requires an osteopathic physician to act as a supervising osteopathic physician for a physician assistant;***

***(b) Penalizes an osteopathic physician for refusing to act as a supervising osteopathic physician for a physician assistant; or***

***(c) Limits a supervising osteopathic physician's authority with regard to any protocol, standing order or delegation of authority applicable to a physician assistant supervised by the osteopathic physician,***

***➥ is against public policy and is void.***

Sec. 33. ***An osteopathic physician who does not normally provide care to patients may not be a supervising osteopathic physician.***

Sec. 34. ***1. A supervising osteopathic physician shall provide supervision to his physician assistant continuously whenever the physician assistant is performing his professional duties.***

***2. Except as otherwise provided in subsection 3, a supervising osteopathic physician may provide supervision to his physician assistant in person or by telecommunication. When providing supervision by telecommunication, a supervising osteopathic physician may be at a different site than the physician assistant.***

***3. A supervising osteopathic physician shall provide supervision to his physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. After the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising***

***osteopathic physician. The provisions of this subsection do not apply to a federally qualified health center.***

***4. Before beginning to supervise a physician assistant, a supervising osteopathic physician must communicate to the physician assistant:***

***(a) The scope of practice of the physician assistant;***

***(b) The access to the supervising osteopathic physician that the physician assistant will have; and***

***(c) Any processes for evaluation that the supervising osteopathic physician will use to evaluate the physician assistant.***

***5. A supervising osteopathic physician shall not delegate to his physician assistant, and his physician assistant shall not accept, a task that is beyond the physician assistant's capability to complete safely.***

***6. As used in this section, "federally qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).***

Sec. 35. ***1. A physician assistant licensed under the provisions of this chapter who is responding to a need for medical care created by an emergency or disaster, as declared by an applicable governmental entity, may render emergency care that is directly related to the emergency or disaster without the supervision of an osteopathic physician, as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.***

***2. An osteopathic physician who supervises a physician assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, shall not be required to meet the requirements set forth in this chapter for such supervision.***

Sec. 36. NRS 633.031 is hereby amended to read as follows:

633.031 ~~["Employing]~~ ***"Supervising*** osteopathic physician" means an osteopathic physician ***who is*** licensed in this State ~~[who employs]~~ ***, is in good standing with the Board*** and supervises ~~[an osteopathic physician's]~~ ***a physician*** assistant with Board approval.

Sec. 37. NRS 633.101 is hereby amended to read as follows:

633.101 ***"Physician*** assistant" means a person who is ***a graduate of an academic program*** approved by the Board ***or who, by general education, practical training and experience determined to be satisfactory by the Board, is qualified*** to perform medical services under the supervision of ***a supervising*** osteopathic physician ***and who has been issued a license by the Board.***

Sec. 38. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine or in applying for renewal of a license to practice osteopathic medicine.

(b) Failure of a licensee ***of the practice of osteopathic medicine*** to designate his school of practice in the professional use of his name by the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine, or the aiding or abetting of any unlicensed person to practice osteopathic medicine.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body.

(j) Willful disclosure of a communication privileged pursuant to a statute or court order.

(k) Willful disobedience of the regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses ***to practice osteopathic medicine*** issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association

authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses ***to practice osteopathic medicine*** issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each; or

(c) For a person licensed ***to practice osteopathic medicine*** pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

Sec. 39. NRS 633.151 is hereby amended to read as follows:

633.151 The purpose of licensing osteopathic physicians and ~~[osteopathic physicians']~~ ***physician*** assistants is to protect the public health and safety and the general welfare of the people of this State. Any license issued pursuant to this chapter is a revocable privilege and a holder of such a license does not acquire thereby any vested right.

***Sec. 39.5.*** **NRS 633.286 is hereby amended to read as follows:**

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians for malpractice or negligence; ~~[and]~~

(b) Information reported to the Board during the previous biennium pursuant to NRS ~~[633.524,]~~ 633.526, 633.527, subsections 2 and 3 of NRS 633.533 and NRS 690B.250 and 690B.260 ~~[.]~~ ***; and***

***(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.***

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 40. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician ***and every physician assistant*** licensed under this chapter.

2. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 41. NRS 633.321 is hereby amended to read as follows:

633.321 1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that he meets ~~[the]~~ ***any*** age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in this chapter.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if it appears that any credential submitted is false.

Sec. 42. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure ~~[,]~~ ***to practice osteopathic medicine,*** an applicant shall cause to be submitted to the Board a certificate of completion of progressive postgraduate training from the residency program where the applicant received training.

Sec. 43. NRS 633.328 is hereby amended to read as follows:

633.328 In addition to any other requirements set forth in this chapter, each applicant for a license **,** ~~[to practice osteopathic medicine,]~~ except a temporary or special license, ~~[or each osteopathic physician's assistant for whom an application to employ an osteopathic physician's assistant is submitted to the Board]~~ must submit to the Board a complete set of his fingerprints and written permission authorizing the Board to forward the

fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 44. NRS 633.371 is hereby amended to read as follows:

633.371 Every license ***to practice osteopathic medicine*** must be displayed in the office or place of business or employment of its holder.

Sec. 45. NRS 633.391 is hereby amended to read as follows:

633.391 1. The Board may issue a temporary license ***to practice osteopathic medicine in order*** to authorize a person who is qualified to practice osteopathic medicine in this State to serve as a substitute for ~~[an]~~ **:**

***(a) A physician licensed pursuant to chapter 630 of NRS; or***

***(b) An*** osteopathic physician ***licensed pursuant to chapter 633 of NRS,*** who is absent from his practice.

2. Each applicant for such a license shall pay the temporary license fee specified in this chapter.

3. A temporary license ***to practice osteopathic medicine*** is valid for not more than 6 months after issuance and is not renewable.

Sec. 46. NRS 633.401 is hereby amended to read as follows:

633.401 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license ~~[:]~~ ***to practice osteopathic medicine:***

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while he is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

(c) For a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. A special license issued under this section may be renewed by the Board upon application of the licensee.

3. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 47. NRS 633.411 is hereby amended to read as follows:

633.411 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license ***to practice osteopathic medicine*** to a person qualified under this section to authorize him to serve:

(a) As a resident medical officer in any hospital in Nevada. A person issued such a license shall practice osteopathic medicine only within the confines of the hospital specified in the license and under the supervision of the regular medical staff of that hospital.

(b) As a professional employee of the State of Nevada or of the United States. A person issued such a license shall practice osteopathic medicine only within the scope of his employment and under the supervision of the appropriate state or federal medical agency.

2. An applicant for a special license under this section must:

(a) Be a graduate of a school of osteopathic medicine and have completed a hospital internship.

(b) Pay the special license fee specified in this chapter.

3. The Board shall not issue a license under subsection 1 unless it has received a letter from a hospital in Nevada or from the appropriate state or federal medical agency requesting issuance of the special license to the applicant.

4. A special license issued under this section:

(a) Must be issued at a meeting of the Board or between its meetings by its President and Secretary subject to approval at the next meeting of the Board.

(b) Is valid for a period not exceeding 1 year, as determined by the Board.

(c) May be renewed by the Board upon application and payment by the licensee of the special license renewal fee specified in this chapter.

(d) Does not entitle the licensee to engage in the private practice of osteopathic medicine.

5. The issuance of a special license under this section does not obligate the Board to grant any regular license to practice osteopathic medicine.

Sec. 48. NRS 633.421 is hereby amended to read as follows:

633.421 Each license ***to practice osteopathic medicine*** issued by the Board:

1. Shall bear a seal adopted by the Board and the signatures of its President and Secretary; and

2. Authorizes the holder to practice osteopathic medicine so long as it is kept in force by appropriate renewal and is not revoked or suspended.

Sec. 49. NRS 633.466 is hereby amended to read as follows:

633.466 1. ~~[An osteopathic physician's]~~ ***A physician*** assistant may ~~[, under his certificate,]~~ be supervised by a physician licensed to practice medicine in this State ***pursuant to chapter 630 of NRS*** in place of his ~~[employing]~~ ***supervising*** osteopathic physician if:

(a) The ~~[osteopathic physician's]~~ ***physician*** assistant works in a geographical area where he can be conveniently supervised only by ***such*** a physician; ***and***

(b) The ~~[osteopathic physician's assistant remains in the employ of his employing osteopathic physician;~~

~~(c) The employing]~~ ***supervising*** osteopathic physician and the physician ***licensed pursuant to chapter 630 of NRS*** agree to the arrangement **.** ~~[; and]~~

~~[(d) The Board of Osteopathic Medicine and the Board of Medical Examiners approve it.]~~

2. ~~[For the purposes of chapter 630 of NRS, an osteopathic physician's]~~ ***A physician*** assistant so supervised is not a ~~[physician's]~~ ***physician*** assistant ***for the purposes of chapter 630 of NRS*** solely because of that supervision **.** ~~[and continues to practice osteopathic medicine.]~~

3. The ***State*** Board ***of Osteopathic Medicine*** shall adopt jointly with the Board of Medical Examiners regulations necessary to administer the provisions of this section.

Sec. 50. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 4 and ~~[in]~~ NRS 633.491, every holder of a license ***to practice osteopathic medicine*** issued under this chapter, except a temporary or a special license, may renew his license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal he has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee ***of the practice of osteopathic medicine*** of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license ~~[.]~~ ***to practice osteopathic medicine.*** Upon a request from the Board, an applicant for renewal of a license ***to practice osteopathic medicine*** shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal he attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 51. NRS 633.481 is hereby amended to read as follows:

633.481 1. Except as otherwise provided in subsection 2, if a licensee ***of the practice of osteopathic medicine*** fails to comply with the requirements of NRS 633.471 within 30 days after the renewal date, the Board shall give 30 days' notice of failure to renew and of revocation of ***the*** license by certified mail to the licensee at his last address registered with the Board. If the license is not renewed before the expiration of the 30 days' notice, the license is automatically revoked without any further notice or a hearing and the Board shall file a copy of the notice with the Drug Enforcement

Administration of the United States Department of Justice or its successor agency.

2. A licensee ***of the practice of osteopathic medicine*** who fails to meet the continuing education requirements for license renewal may apply to the Board for a waiver of the requirements. The Board may grant a waiver for that year only if it finds that the failure is due to the licensee's disability, military service or absence from the United States, or to circumstances beyond the control of the licensee which are deemed by the Board to excuse the failure.

3. A person whose license is revoked under this section may apply to the Board for restoration of his license upon:

(a) Payment of all past due renewal fees and the late payment fee specified in this chapter;

(b) Producing verified evidence satisfactory to the Board of completion of the total number of hours of continuing education required for the year preceding the renewal date and for each year succeeding the date of revocation;

(c) Stating under oath in writing that he has not withheld information from the Board which if disclosed would furnish grounds for disciplinary action under this chapter; and

(d) Submitting all information required to complete the restoration of his license.

Sec. 52. NRS 633.491 is hereby amended to read as follows:

633.491 1. A licensee ***of the practice of osteopathic medicine*** who retires from ~~[the practice of osteopathic medicine]~~ ***such practice*** need not annually renew his license after he files with the Board an affidavit stating the date on which he retired from practice and such other facts to verify his retirement as the Board deems necessary.

2. A retired licensee ***of the practice of osteopathic medicine*** who desires to return to practice may apply to renew his license by paying all back annual license renewal fees from the date of retirement and submitting verified evidence satisfactory to the Board that he has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if he has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if he has been retired for more than 1 year.

3. A licensee ***of the practice of osteopathic medicine*** who wishes to have his license placed on inactive status must provide the Board with an affidavit stating the date on which he will cease the practice of osteopathic medicine in Nevada and any other facts that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.

4. A licensee ***of the practice of osteopathic medicine*** whose license has been placed on inactive status:

(a) Need not annually renew his license.

(b) Shall annually pay the inactive license fee prescribed by NRS 633.501.

(c) Shall not engage in the practice of osteopathic medicine in this State.

5. A licensee ***of the practice of osteopathic medicine*** whose license is on inactive status and who wishes to renew his license to practice osteopathic medicine must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The year preceding the date of the application for renewal of the license to practice osteopathic medicine; and

(2) Each year succeeding the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would provide grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 53. NRS 633.501 is hereby amended to read as follows:

633.501 The Board shall charge and collect fees not to exceed the following amounts:

| | | |
|---|---|---|
| 1. | Application and initial license fee ***for an osteopathic physician*** | $800 |
| 2. | Annual license renewal fee ***for an osteopathic physician*** | 500 |
| 3. | Temporary license fee | 500 |
| 4. | Special license fee | 200 |
| 5. | Special license renewal fee | 200 |
| 6. | Reexamination fee | 200 |
| 7. | Late payment fee | 300 |
| 8. | ~~[For a certificate as an osteopathic physician's]~~ ***Application and initial license fee for a physician*** assistant | ~~[500]~~ ***400*** |
| 9. | ~~[Renewal of a certificate as an osteopathic physician's]~~ ***Annual license renewal fee for a physician*** assistant | ~~[300]~~ ***400*** |
| 10. | ~~[For an application to employ an osteopathic physician's assistant~~ | ~~500~~ |
| ~~11.]~~ | Inactive license fee | 200 |

Sec. 54. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license ***to practice osteopathic medicine*** issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report ~~[:~~

~~(a) Stating]~~ ***stating*** the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his office or any other facility, excluding any surgical care performed:

~~[(1)]~~ ***(a)*** At a medical facility as that term is defined in NRS 449.0151; or

~~[(2)]~~ ***(b)*** Outside of this State**.** ~~[; and~~

~~(b) Reporting]~~

***2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice osteopathic medicine to submit a report annually to the Board concerning*** the occurrence of any sentinel event arising from any ~~[such]~~ surgery ~~[.~~

~~2.]~~ ***described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the Administrator of the Health Division of the Department of Health and Human Services for reporting information pursuant to NRS 439.835.***

***3. Each holder of a license to practice osteopathic medicine shall submit the report required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1.*** Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action ~~[.]~~ ***pursuant to NRS 633.511.***

~~[3.]~~ ***4.*** The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

~~[4.]~~ ***5.*** A report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[5.]~~ ***6.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[6.]~~ ***7. In addition to any other remedy or penalty, if a holder of a license to practice osteopathic medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice osteopathic medicine with notice and opportunity for a hearing, impose against the holder of a license an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license to practice osteopathic medicine. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.***

***8.*** As used in this section:

(a) "Conscious sedation" means a minimally depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method,

or a combination thereof, in which the patient retains the ability independently and continuously to maintain an airway and to respond appropriately to physical stimulation and verbal commands.

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

(c) "General anesthesia" means a controlled state of unconsciousness, produced by a pharmacologic or nonpharmacologic method, or a combination thereof, and accompanied by partial or complete loss of protective reflexes and the inability independently to maintain an airway and respond purposefully to physical stimulation or verbal commands.

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 55. NRS 633.533 is hereby amended to read as follows:

633.533 1. Any person, medical school or medical facility that becomes aware that a person practicing osteopathic medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

2. Any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in an osteopathic physician's privileges to practice osteopathic medicine while the osteopathic physician is under investigation and the outcome of any disciplinary action taken by that facility or society against the osteopathic physician concerning the care of a patient or the competency of the osteopathic physician within 30 days after the change in privileges is made or disciplinary action is taken. The Board shall report any failure to comply with this subsection by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or ~~[osteopathic physician's]~~ ***physician*** assistant:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

4. On or before January 15 of each year, the clerk of every court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding osteopathic physicians pursuant to paragraph (e) of subsection 3.

Sec. 56. NRS 633.711 is hereby amended to read as follows:

633.711 1. The Board through its President or Secretary or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing osteopathic medicine without a license ***to practice osteopathic medicine*** valid under this chapter.

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Shall not relieve such person from criminal prosecution for practicing without ***such*** a license.

Sec. 57. NRS 633.721 is hereby amended to read as follows:

633.721 In a criminal complaint charging any person with practicing osteopathic medicine without a license ~~[,]~~ ***to practice osteopathic medicine,*** it is sufficient to charge that he did, upon a certain day, and in a certain county of this State, engage in the practice of osteopathic medicine without having a valid license to do so, without averring any further or more particular facts concerning the violation.

Sec. 58. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Except as otherwise provided in NRS 629.091, practices osteopathic medicine:

(a) Without a license ***to practice osteopathic medicine*** valid under this chapter; or

(b) Beyond the limitations ordered upon his practice by the Board or the court;

2. Presents as his own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license ***;*** ~~[or an application to employ an osteopathic physician's assistant;]~~

4. Files for record the license issued to another, falsely claiming himself to be the person named in the license, or falsely claiming himself to be the person entitled to the license;

5. Practices osteopathic medicine under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself out as ~~[an osteopathic physician's]~~ ***a physician*** assistant or who uses any other term indicating or implying that he is ~~[an osteopathic physician's]~~ ***a physician*** assistant, unless he has been ~~[approved]~~ ***licensed*** by the Board ~~[,]~~ as provided in this chapter; or

7. ~~[Employs]~~ ***Supervises*** a person as ~~[an osteopathic physician's]~~ ***a physician*** assistant before such ~~[employment is approved]~~ ***person is licensed*** as provided in this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. ~~[Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 634.020 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 60. ~~[Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to subsection 1 of NRS 634A.040 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 61. ~~[Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 635.020 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 62. ~~[Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 636.035 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~ **(Deleted by amendment.)**

Sec. 63. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 64 and 65 of this act.

Sec. 64. ***1. The Board shall issue a special license as a dispensing optician to an applicant who:***

***(a) Is at least 18 years of age;***

***(b) Is of good moral character;***

***(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;***

***(d) Is a graduate of an accredited high school or its equivalent;***

***(e) Has passed the National Opticianry Competency Examination of the American Board of Opticianry;***

***(f) Is currently certified by the American Board of Opticianry;***

***(g) Has passed the Contact Lens Registry Examination of the National Contact Lens Examiners;***

***(h) Is currently certified by the National Contact Lens Examiners;***

***(i) Has passed an examination, if one exists, which is based solely on the provisions of this chapter and chapter 637 of NAC and is administered by the Board; and***

***(j) Has either:***

***(1) An active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or***

***(2) Not less than 5 years of experience as a dispensing optician.***

***2. A person practicing ophthalmic dispensing pursuant to a special license as provided in this section is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal, inactivity or reactivation of a license.***

Sec. 65. ~~*[A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 637.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 66. ~~[Chapter 637A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (c) of subsection 1 of NRS 637A.035 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 67. ~~[Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) or (b) of subsection 2 of NRS 637B.100 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 68. ~~[Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 639.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 69. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to

or administer drugs in the course of professional practice or research in this State;

3. An advanced practitioner of nursing who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. ~~[An osteopathic physician's]~~ ***A physician*** assistant who:

(a) Holds a ~~[certificate]~~ ***license*** issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 70. NRS 639.030 is hereby amended to read as follows:

639.030 1. The Governor shall appoint:

(a) Six members who are registered pharmacists in the State of Nevada, are actively engaged in the practice of pharmacy in the State of Nevada and have had at least 5 years' experience as registered pharmacists preceding the appointment.

(b) One member who is a representative of the general public and is not related to a pharmacist registered in the State of Nevada by consanguinity or affinity within the third degree.

2. Appointments of registered pharmacists must be representative of the practice of pharmacy.

3. Within 30 days after his appointment, each member of the Board shall take and subscribe an oath to discharge faithfully and impartially the duties prescribed by this chapter.

4. After the initial terms, the members of the Board must be appointed to terms of 3 years. A person may not serve as a member of the Board for more than three consecutive terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ ***chapter*** to replace that member for the remainder of the unexpired term.

5. The Governor shall remove from the Board any member, after a hearing, for neglect of duty or other just cause.

Sec. 71. NRS 639.1373 is hereby amended to read as follows:

639.1373 1. A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** ~~[or an osteopathic physician's assistant]~~ may, if authorized by the Board, possess, administer, prescribe or dispense controlled substances,

or possess, administer, prescribe or dispense poisons, dangerous drugs or devices in or out of the presence of his supervising physician only to the extent and subject to the limitations specified in the registration certificate issued to the physician assistant ~~[or osteopathic physician's assistant, as appropriate,]~~ by the Board pursuant to this section.

2. Each physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** ~~[and osteopathic physician's assistant]~~ who is authorized by his physician assistant's license issued by the Board of Medical Examiners or ~~[certificate issued]~~ by the State Board of Osteopathic Medicine ***, respectively,*** to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices must apply for and obtain a registration certificate from the Board, pay a fee to be set by regulations adopted by the Board and pass an examination administered by the Board on the law relating to pharmacy before he can possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices.

3. The Board shall consider each application separately and may, even though the physician assistant's license issued by the Board of Medical Examiners or ~~[the osteopathic physician's assistant's certificate issued]~~ by the State Board of Osteopathic Medicine authorizes the physician assistant ~~[or osteopathic physician's assistant, as appropriate,]~~ to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs and devices:

(a) Refuse to issue a registration certificate;

(b) Issue a registration certificate limiting the authority of the physician assistant ~~[or osteopathic physician's assistant, as appropriate,]~~ to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices, the area in which the physician assistant ~~[or osteopathic physician's assistant]~~ may possess controlled substances, poisons, dangerous drugs and devices, or the kind and amount of controlled substances, poisons, dangerous drugs and devices; or

(c) Issue a registration certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. If the registration of the physician assistant ~~[or osteopathic physician's assistant]~~ ***licensed pursuant to chapter 630 or 633 of NRS*** is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances and the maximum amount to be administered, possessed, prescribed and dispensed and the storage, security, recordkeeping and transportation of poisons, dangerous

drugs and devices by physician assistants ~~[and osteopathic physicians' assistants.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.*** In the adoption of those regulations, the Board shall consider, but is not limited to, the following:

(a) The area in which the physician assistant ~~[or osteopathic physician's assistant]~~ is to operate;

(b) The population of that area;

(c) The experience and training of the physician assistant ***;*** ~~[or osteopathic physician's assistant;]~~

(d) The distance to the nearest hospital and physician; and

(e) The effect on the health, safety and welfare of the public.

6. For the purposes of this section, the term "supervising physician" includes ~~[an employing]~~ ***a supervising*** osteopathic physician as defined in chapter 633 of NRS.

Sec. 72. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 73 and 74 of this act.

Sec. 73. ~~*[A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 640.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 74. ***The Board shall elect a Chairman and other officers from among its members.***

Sec. 75. ~~[Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (b) or (c) of subsection 2 of NRS 640A.080 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 76. NRS 640A.080 is hereby amended to read as follows:

640A.080 1. The Board of Occupational Therapy, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

(a) One member who is a representative of the general public. This member must not be:

(1) An occupational therapist or an occupational therapy assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of an occupational therapist or an occupational therapy assistant.

(b) One member who is an occupational therapist or occupational therapy assistant.

(c) Three members who are occupational therapists.

3. Each member of the Board must be a resident of Nevada. An occupational therapist or occupational therapy assistant appointed to the Board must:

(a) Have practiced, taught or conducted research in occupational therapy for the 5 years immediately preceding his appointment; and

(b) Except for the initial members, hold a license issued pursuant to this chapter.

4. No member of the Board may serve more than two consecutive terms.

5. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ ***chapter*** to replace that member for the remainder of the unexpired term.

Sec. 77. ~~[NRS 640B.180 is hereby amended to read as follows:~~

~~640B.180 —[1. For the appointment of any member to the Board pursuant to paragraph (a) of subsection 2 of NRS 640B.170, the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of not less than three persons or more than five persons who are qualified for membership on the Board for each such position. The Governor shall appoint new members or fill a vacancy from the list, or request a new list.~~

~~2. For the appointment of a member to the Board pursuant to paragraph (b) of subsection 2 of NRS 640B.170, the Nevada Physical Therapists Association, or its successor organization, and the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, jointly prepare and submit to the Governor a list of the names of not less than three persons or more than five persons who are qualified for membership on the Board for that position. The Governor shall appoint a new member or fill a vacancy from the list, or request a new list.~~

~~3. If the Nevada Athletic Trainers Association or the Nevada Physical Therapists Association, or the successor of any such organization, fails to submit nominations for a position on the Board within the periods prescribed in this section, the Governor may appoint any qualified person.]~~ ~~*A member of the Board described pursuant to paragraph (a) or (b) of subsection 2 of NRS 640B.170 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 78. ~~[Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 640C.150 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 79. NRS 640C.150 is hereby amended to read as follows:

640C.150 1. The Board of Massage Therapists is hereby created. The Board consists of seven members appointed pursuant to this ~~[section]~~ ***chapter*** and one nonvoting advisory member appointed pursuant to NRS 640C.160.

2. The Governor shall appoint to the Board seven members as follows:

(a) Six members who:

(1) Are licensed to practice massage therapy in this State; and

(2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.

➥ Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.

(b) One member who is a member of the general public. This member must not be:

(1) A massage therapist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist.

3. ~~[The Governor may, in making his appointments to the Board pursuant to paragraph (a) of subsection 2, consider for appointment to the Board a person recommended to him by any person or group.~~

~~4.]~~ The members who are appointed to the Board pursuant to paragraph (a) of subsection 2 must continue to practice massage therapy in this State while they are members of the Board.

~~[5.]~~ ***4.*** After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.

~~[6.]~~ ***5.*** A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.

~~[7.]~~ ***6.*** A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.

~~[8.]~~ ***7.*** The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 80. ~~[Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 641.040 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.* ]~~ **(Deleted by amendment.)**

Sec. 81. ~~[Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 641A.100 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.]~~* **(Deleted by amendment.)**

Sec. 82. ~~[Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to subsection 2 of NRS 641B.100 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.*~~ **(Deleted by amendment.)**

Sec. 83. ~~[Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*A member of the Board described pursuant to paragraph (a), (b) or (c) of subsection 2 of NRS 641C.150 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.*~~ **(Deleted by amendment.)**

Sec. 84. NRS 652.210 is hereby amended to read as follows:

652.210 No person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a ~~[licensed]~~ physician assistant ~~[, a certified osteopathic physician's assistant,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a certified intermediate emergency medical technician, a certified advanced emergency medical technician, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens, except that technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 85. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 of NRS,*** a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, ~~[an osteopathic physician's assistant,]~~ ***a physician assistant licensed pursuant to chapter 633 of NRS,*** a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a

pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist and an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) of this subsection does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) of this subsection does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of

not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 86. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Any employee of the Department of Health and Human Services.

(g) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(h) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(i) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 87. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner,

who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 88. NRS 244.1605 is hereby amended to read as follows:

244.1605 The boards of county commissioners may:

1. Establish, equip and maintain limited medical facilities in the outlying areas of their respective counties to provide outpatient care and emergency treatment to the residents of and those falling sick or being injured or maimed in those areas.

2. Provide a full-time or part-time staff for the facilities which may include a physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a registered nurse or a licensed practical nurse, a certified emergency medical technician and such other personnel as the board deems necessary or appropriate to ensure adequate staffing commensurate with the needs of the area in which the facility is located.

3. Fix the charges for the medical and nursing care and medicine furnished by the facility to those who are able to pay for them, and to provide that care and medicine free of charge to those persons who qualify as medical indigents under the county's criteria of eligibility for medical care.

4. Purchase, equip and maintain, either in connection with a limited medical facility as authorized in this section or independent therefrom, ambulances and ambulance services for the benefit of the residents of and those falling sick or being injured or maimed in the outlying areas.

Sec. 89. NRS 244.3821 is hereby amended to read as follows:

244.3821 1. In addition to the powers elsewhere conferred upon all counties, except as otherwise provided in subsection 2, any county may establish a medical scholarship program to induce students in the medical professions to return to the county for practice.

2. Any county whose population is 100,000 or more may only establish a medical scholarship program to induce students in the medical professions to return to the less populous rural communities of the county for practice.

3. Students in the medical professions for the purposes of NRS 244.382 to 244.3823, inclusive, include persons studying to be physician assistants ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.***

4. The board of county commissioners of a county that has established a medical scholarship program may appropriate money from the general fund of the county for medical scholarship funds and may accept private contributions to augment the scholarship funds.

Sec. 90. NRS 397.0617 is hereby amended to read as follows:

397.0617 1. The provisions of this section apply only to support fees received by a student on or after July 1, 1997.

2. The three Nevada State Commissioners, acting jointly, may require a student who is certified to study to practice in a profession which could benefit a medically underserved area of this State, as that term is defined by the Officer of Rural Health of the University of Nevada School of Medicine, to practice in such an area or to practice in an area designated by the Secretary of Health and Human Services:

(a) Pursuant to 42 U.S.C. § 254c, as containing a medically underserved population; or

(b) Pursuant to 42 U.S.C. § 254e, as a health professional shortage area,

➥ as a condition to receiving a support fee.

3. If a person agrees to practice in a medically underserved area of this State pursuant to subsection 2 for at least 2 years, the three Nevada State Commissioners, acting jointly, may forgive the portion of the support fee designated as the loan of the person.

4. If a person returns to this State but does not practice in a medically underserved area of this State pursuant to subsection 2 for at least 2 years, the three Nevada State Commissioners, acting jointly, shall assess a default charge in an amount not less than three times the portion of the support fee designated as the loan of the person, plus interest.

5. As used in this section, a "profession which could benefit a medically underserved area of this State" includes, without limitation, dentistry, physical therapy, pharmacy and practicing as a physician assistant ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.***

Sec. 91. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the

abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 92. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before an allegedly mentally ill person may be transported to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or an advanced practitioner of nursing to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

3. The cost of the examination must be paid by the county in which the allegedly mentally ill person resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the allegedly mentally ill person or, on his behalf, by his insurer or by a state or federal program of medical assistance.

4. The county may recover all or any part of the expenses paid by it, in a civil action against:

(a) The person whose expenses were paid;

(b) The estate of that person; or

(c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

5. The cost of treatment, including hospitalization, for an indigent must be paid pursuant to NRS 428.010 by the county in which the allegedly mentally ill person resides.

6. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

7. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 93. NRS 440.415 is hereby amended to read as follows:

440.415 1. A physician who anticipates the death of a patient because of an illness, infirmity or disease may authorize a specific registered nurse or physician assistant or the registered nurses or physician assistants employed by a medical facility or program for hospice care to make a pronouncement of death if they attend the death of the patient.

2. Such an authorization is valid for 120 days. Except as otherwise provided in subsection 3, the authorization must:

(a) Be a written order entered on the chart of the patient;

(b) State the name of the registered nurse or nurses or physician assistant or assistants authorized to make the pronouncement of death; and

(c) Be signed and dated by the physician.

3. If the patient is in a medical facility or under the care of a program for hospice care, the physician may authorize the registered nurses or physician assistants employed by the facility or program to make pronouncements of death without specifying the name of each nurse or physician assistant, as applicable.

4. If a pronouncement of death is made by a registered nurse or physician assistant, the physician who authorized that action shall sign the medical certificate of death within 24 hours after being presented with the certificate.

5. If a patient in a medical facility is pronounced dead by a registered nurse or physician assistant employed by the facility, the registered nurse or physician assistant may release the body of the patient to a licensed funeral director pending the completion of the medical certificate of death by the attending physician if the physician or the medical director or chief of the medical staff of the facility has authorized the release in writing.

6. The Board may adopt regulations concerning the authorization of a registered nurse or physician assistant to make pronouncements of death.

7. As used in this section:

(a) "Medical facility" means:

(1) A facility for skilled nursing as defined in NRS 449.0039;

(2) A facility for hospice care as defined in NRS 449.0033;

(3) A hospital as defined in NRS 449.012;

(4) An agency to provide nursing in the home as defined in NRS 449.0015; or

(5) A facility for intermediate care as defined in NRS 449.0038.

(b) "Physician assistant" means a person who holds a license as a physician assistant pursuant to chapter 630 ***or 633*** of NRS ***.*** ~~[or a certificate as an osteopathic physician's assistant pursuant to chapter 633 of NRS.]~~

(c) "Program for hospice care" means a program for hospice care licensed pursuant to chapter 449 of NRS.

(d) "Pronouncement of death" means a declaration of the time and date when the cessation of the cardiovascular and respiratory functions of a patient occurs as recorded in the patient's medical record by the attending provider of health care in accordance with the provisions of this chapter.

Sec. 94. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse ~~[, physician assistant]~~ or veterinarian licensed in accordance with state law ~~[.]~~ ***or a physician assistant licensed pursuant to chapter 630 or 633 of NRS.***

Sec. 95. NRS 441A.540 is hereby amended to read as follows:

441A.540 1. If a person infected with or exposed to a communicable disease is voluntarily isolated or quarantined in a public or private medical facility, the facility shall not change the status of the person to an emergency isolation or quarantine unless, before the change in status is made:

(a) The facility provides:

(1) An application to a health authority for an emergency isolation or quarantine pursuant to NRS 441A.560; and

(2) The certificate of a health authority, physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse to a health authority pursuant to NRS 441A.570; or

(b) The facility receives an order for isolation or quarantine issued by a health authority.

2. A person whose status is changed to an emergency isolation or quarantine pursuant to subsection 1:

(a) Must not be detained in excess of 48 hours after the change in status is made, unless within that period a written petition is filed by a health authority with the clerk of the district court pursuant to NRS 441A.600; and

(b) May, immediately after his status is changed, seek an injunction or other appropriate process in district court challenging his detention.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

4. Nothing in this section limits the actions that a public or private medical facility may take to prevent or limit the transmission of communicable diseases within the medical facility, including, without limitation, practices for the control of infections.

Sec. 96. NRS 441A.560 is hereby amended to read as follows:

441A.560 1. An application to a health authority for an order of emergency isolation or quarantine of a person or a group of persons alleged to have been infected with or exposed to a communicable disease may only be made by another health authority, a physician, a ~~[licensed]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** a registered nurse or a medical facility by submitting the certificate required by NRS 441A.570. Within its jurisdiction, upon application or on its own, subject to the provisions of NRS 441A.500 to 441A.720, inclusive, a health authority may:

(a) Pursuant to its own order and without a warrant:

(1) Take a person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease into custody in any safe location under emergency isolation or quarantine for testing, examination, observation and the provision of or arrangement for the provision of consensual medical treatment; and

(2) Transport the person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose, or arrange for the person or group of persons to be transported for that purpose by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ only if the health authority acting in good faith has, based upon personal observation, its own epidemiological investigation or an epidemiological investigation by another health authority, a physician, a ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or a registered nurse as stated in a certificate submitted pursuant to NRS 441A.570, if such a certificate was submitted, of the person or group of persons alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of members of the public who have not been infected with or exposed to the communicable disease.

(b) Petition a district court for an emergency order requiring:

(1) Any health authority or peace officer to take a person or group of persons alleged to have been infected with or exposed to a communicable disease into custody to allow the health authority to investigate, file and prosecute a petition for the involuntary court-ordered isolation or quarantine of the person or group of persons alleged to have been infected with or exposed to a communicable disease in the manner set forth in NRS 441A.500 to 441A.720, inclusive; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport, in accordance with such court order, the person or group of persons alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose.

2. The district court may issue an emergency order for isolation or quarantine pursuant to paragraph (b) of subsection 1:

(a) Only for the time deemed necessary by the court to allow a health authority to investigate, file and prosecute each petition for involuntary court-ordered isolation or quarantine pursuant to NRS 441A.500 to 441A.720, inclusive; and

(b) Only if it is satisfied that there is probable cause to believe that the person or group of persons alleged to have been infected with or exposed to a communicable disease has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public.

Sec. 97. NRS 441A.570 is hereby amended to read as follows:

441A.570 A health authority shall not accept an application for an emergency isolation or quarantine under NRS 441A.560 unless that application is accompanied by a certificate of another health authority or a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse stating that he has examined the person or group of persons alleged to have been infected with or exposed to a communicable disease or has investigated the circumstances of potential infection or exposure regarding the person or group of persons alleged to have been infected with or exposed to a communicable disease and that he has concluded that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public. The certificate required by this section may be obtained from a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse who is employed by the public or private medical facility in which the person or group of persons is admitted or detained and from the facility from which the application is made.

Sec. 98. NRS 441A.580 is hereby amended to read as follows:

441A.580 1. No application or certificate authorized under NRS 441A.560 or 441A.570 may be considered if made by a person on behalf of a

medical facility or by a health authority, physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse who is related by blood or marriage to the person alleged to have been infected with or exposed to a communicable disease, or who is financially interested, in a manner that would be prohibited pursuant to NRS 439B.425 if the application or certificate were deemed a referral, in a medical facility in which the person alleged to have been infected with or exposed to a communicable disease is to be detained.

2. No application or certificate of any health authority or person authorized under NRS 441A.560 or 441A.570 may be considered unless it is based on personal observation, examination or epidemiological investigation of the person or group of persons alleged to have been infected with or exposed to a communicable disease made by such health authority or person not more than 72 hours before the making of the application or certificate. The certificate must set forth in detail the facts and reasons on which the health authority or person who submitted the certificate pursuant to NRS 441A.570 based his opinions and conclusions.

Sec. 99. NRS 441A.600 is hereby amended to read as follows:

441A.600 A proceeding for an involuntary court-ordered isolation or quarantine of any person in this State may be commenced by a health authority filing a petition with the clerk of the district court of the county where the person is to be isolated or quarantined. The petition may be pled in the alternative for both isolation and quarantine, if required by developing or changing facts, and must be accompanied:

1. By a certificate of a health authority or a physician, a ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or a registered nurse stating that he has examined the person alleged to have been infected with or exposed to a communicable disease or has investigated the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease and has concluded that the person has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; or

2. By a sworn written statement by the health authority that:

(a) The health authority has, based upon its personal observation of the person alleged to have been infected with or exposed to a communicable disease, or its epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person has been infected with or exposed to a communicable disease and, that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; and

(b) The person alleged to have been infected with or exposed to a communicable disease has refused to submit to voluntary isolation or

quarantine, examination, testing, or treatment known to control or resolve the transmission of the communicable disease.

Sec. 100. NRS 441A.610 is hereby amended to read as follows:

441A.610 In addition to the requirements of NRS 441A.600, a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.540 or 441A.550 must include a certified copy of:

1. If an application for an order of emergency isolation or quarantine of the person was made pursuant to NRS 441A.560, the application for the emergency isolation or quarantine of the person made to the petitioning health authority pursuant to NRS 441A.560; and

2. A petition executed by a health authority, including, without limitation, a sworn statement that:

(a) The health authority or a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse who submitted a certificate pursuant to NRS 441A.570, if such a certificate was submitted, has examined the person alleged to have been infected with or exposed to a communicable disease;

(b) In the opinion of the health authority, there is a reasonable degree of certainty that the person alleged to have been infected with or exposed to a communicable disease is currently capable of transmitting the disease, or is likely to become capable of transmitting the disease in the near future;

(c) Based on either the health authority's personal observation of the person alleged to have been infected with or exposed to the communicable disease or the health authority's epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to the communicable disease, and on other facts set forth in the petition, the person likely poses an immediate threat to the health of the public; and

(d) In the opinion of the health authority, involuntary isolation or quarantine of the person alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, residence or other safe location is necessary to prevent the person from immediately threatening the health of the public.

Sec. 101. NRS 441A.630 is hereby amended to read as follows:

441A.630 1. After the filing of a petition to commence proceedings for the involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.600 or 441A.610, the court shall promptly cause two or more physicians or ~~[licensed]~~ physician assistants ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** at least one of whom must always be a physician, to either examine the person alleged to have been infected with or exposed to a communicable disease or assess the likelihood that the person alleged to have been infected with or exposed to a communicable disease has been so infected or exposed.

2. To conduct the examination or assessment of a person who is not being detained at a public or private medical facility, residence or other safe location under emergency isolation or quarantine pursuant to the emergency order of a health authority or court made pursuant to NRS 441A.550 or 441A.560, the court may order a peace officer to take the person into protective custody and transport him to a public or private medical facility, residence or other safe location where he may be detained until a hearing is held upon the petition.

3. If the person is being detained at his home or other place of residence under an emergency order of a health authority or court pursuant to NRS 441A.550 or 441A.560, he may be allowed to remain in his home or other place of residence pending an ordered assessment, examination or examinations and to return to his home or other place of residence upon completion of the assessment, examination or examinations if such remaining or returning would not constitute an immediate threat to others residing in his home or place of residence.

4. Each physician and ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** who examines or assesses a person pursuant to subsection 1 shall, not later than 24 hours before the hearing set pursuant to NRS 441A.620, submit to the court in writing a summary of his findings and evaluation regarding the person alleged to have been infected with or exposed to a communicable disease.

Sec. 102. NRS 441A.640 is hereby amended to read as follows:

441A.640 1. The Health Division shall establish such evaluation teams as are necessary to aid the courts under NRS 441A.630 and 441A.700.

2. Each team must be composed of at least two physicians, or at least one physician and one physician assistant ~~[.]~~ ***licensed pursuant to chapter 630 or 633 of NRS.***

3. Fees for the evaluations must be established and collected as set forth in NRS 441A.650.

Sec. 103. NRS 441A.670 is hereby amended to read as follows:

441A.670 In proceedings for involuntary court-ordered isolation or quarantine, the court shall hear and consider all relevant testimony, including, but not limited to, the testimony of examining personnel who participated in the evaluation of the person alleged to have been infected with or exposed to a communicable disease and the certificates, if any, of a health authority or a physician, ~~[licensed]~~ physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurse accompanying the petition.

Sec. 104. NRS 441A.720 is hereby amended to read as follows:

441A.720 When any involuntary court isolation or quarantine is ordered under the provisions of NRS 441A.500 to 441A.720, inclusive, the involuntarily isolated or quarantined person, together with the court orders, any certificates of the health authorities, physicians, ~~[licensed]~~ physician assistants ***licensed pursuant to chapter 630 or 633 of NRS*** or registered nurses, the written summary of the evaluation team and a full and complete

transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the appropriate county who must be ordered to:

1. Transport the person; or

2. Arrange for the person to be transported by:

(a) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority; or

(b) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

➥ to the appropriate public or private medical facility, residence or other safe location.

Sec. 105. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health Division" means the Health Division of the Department.

6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

7. "Provider of health care or other services" means:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or ~~[an osteopathic physician who is licensed pursuant to chapter]~~ 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed social worker; or

(g) The holder of a certificate of registration as a pharmacist.

Sec. 106. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced practitioner of nursing who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** who has specialized skills and training in obstetrics or family practice.

Sec. 107. NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** or an advanced practitioner of nursing under the supervision of a licensed physician.

Sec. 108. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practitioner of nursing, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** advanced practitioner of nursing, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 109. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician, advanced practitioner of nursing or veterinarian:

(a) As an incident to his administering or dispensing of a substance in the course of his professional practice; or

(b) By his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 110. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State and is registered pursuant to this chapter.

2. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy authorizing him to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he possesses or administers sodium pentobarbital pursuant to his license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. ~~[An osteopathic physician's]~~ ***A physician*** assistant who:

(a) Holds a ~~[certificate]~~ ***license*** from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 111. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian, or his agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he is to take home upon his discharge.

2. The term does not include a chart order written for an inpatient for use while he is an inpatient.

Sec. 112. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with

controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he is acting in the usual course of his business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, advanced practitioner of nursing, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 113. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted

two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that he is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, “controlled substance” includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 114. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. ”Advanced practitioner of nursing” means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.

2. ”Medical intern” means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

3. ”Pharmacist” means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

4. ”Physician,” “dentist,” “podiatric physician,” “veterinarian” and “euthanasia technician” mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

5. ”Physician assistant” means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a ~~[certificate]~~ ***license*** issued pursuant to ~~[NRS 633.451.]~~ ***section 29 of this act.***

Sec. 115. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS,*** at the direction of his supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. An intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

7. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

8. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

9. Any person designated by the head of a correctional institution.

10. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

11. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

12. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

14. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

15. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

16. A veterinary technician at the direction of his supervising veterinarian.

17. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

18. A person who is enrolled in a training program to become a physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dental hygienist, intermediate emergency medical technician, advanced

emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 116. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his internship;

6. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 117. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his patients;

(b) A physician assistant ***licensed pursuant to chapter 630 or 633 of NRS*** if authorized by the Board;

(c) A registered nurse while participating in a public health program approved by the Board, or an advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or his designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 118. NRS 484.393 is hereby amended to read as follows:

484.393 1. The results of any blood test administered under the provisions of NRS 484.383 or 484.391 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant ~~[,]~~ ***licensed pursuant to chapter 630 or 633 of NRS,*** registered nurse, licensed practical nurse, emergency medical technician or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 119. NRS 632.450, 633.431, 633.441, 633.451 **,** ~~[and]~~ 633.461 **and 640B.180** are hereby repealed.

Sec. 120. A certificate for an osteopathic physician's assistant that is current and valid on December 31, 2007, shall, on January 1, 2008, be deemed to be a license issued pursuant to section 29 of this act.

Sec. 121. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

2. The amendatory provisions of section 7 of this act expire by limitation on January 1, 2012.

3. Sections 11 and 25 of this act expire by limitation on January 1, 2012.

LEADLINES OF REPEALED SECTIONS

632.450 Schools of professional nursing: Minimum length of course of instruction.

633.431 Osteopathic physicians' assistants: Training programs and standards.

633.441 Osteopathic physicians' assistants: Application to employ assistant.

633.451 Osteopathic physicians' assistants: Approval of application to employ assistant; issuance and renewal of certificate.

633.461 Osteopathic physician's assistant: Scope of authorized activities.

**640B.180 Professional associations to submit lists of persons qualified for membership on Board.**

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 419.

Bill read third time.

Remarks by Assemblywoman Womack.

Roll call on Senate Bill No. 419:

YEAS—42.

NAYS—None.

Senate Bill No. 419 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblyman Segerblom.
Roll call on Senate Bill No. 420:
YEAS—42.
NAYS—None.
Senate Bill No. 420 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 425.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Senate Bill No. 425:
YEAS—42.
NAYS—None.
Senate Bill No. 425 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 430.
Bill read third time.
Remarks by Assemblywoman Koivisto.
Roll call on Senate Bill No. 430:
YEAS—42.
NAYS—None.
Senate Bill No. 430 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 432.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Senate Bill No. 432:
YEAS—42.
NAYS—None.
Senate Bill No. 432 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 447.
Bill read third time.
Remarks by Assemblywoman Parnell.
Roll call on Senate Bill No. 447:
YEAS—41.
NAYS—Kirkpatrick.
Senate Bill No. 447 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 450.

Bill read third time.

Remarks by Assemblywoman Gerhardt.

Roll call on Senate Bill No. 450:

YEAS—42.

NAYS—None.

Senate Bill No. 450 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 451.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Senate Bill No. 451:

YEAS—42.

NAYS—None.

Senate Bill No. 451 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 452 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

## NOTICE OF EXEMPTION

May 25, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 517.

MARK STEVENS
*Fiscal Analysis Division*

Assemblyman Oceguera moved that Senate Bill No. 517 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 334.

The following Senate amendment was read:

Amendment No. 814.

AN ACT relating to education; creating a school district for charter schools sponsored by the State Board of Education for federal law purposes; revising provisions governing the closure of a charter school; clarifying

certain provisions governing the payments of money to a charter school for the enrollment of certain pupils; revising provisions governing the employment of administrators for a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district may sponsor charter schools and the State Board of Education may sponsor charter schools. (NRS 386.515) Section 2 of this bill creates a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District is created for the sole purpose of federal law governing charter schools.

Section 3 of this bill provides that upon closure of a charter school, an administrator of the charter school shall act as a trustee of certain records during the process of closure and for 1 year after the date of closure. If an administrator is not available, the governing body of the charter school shall appoint a qualified person to perform the duties of trustee.

Under existing law, a charter school must accept for enrollment in certain classes, if space is available, children who are otherwise enrolled in a public school or a private school or homeschooled children. (NRS 386.580) Under existing law, these children are included in the count of pupils for the purposes of the basic support guarantee of the State Distributive School Account. (NRS 387.123, 387.1233) Section 5 of this bill clarifies the legislative declaration concerning the formation of charter schools to provide that the declaration does not preclude the payment of money to a charter school for the enrollment of these children in classes at a charter school. (NRS 386.505)

Under existing law, a charter school may employ administrators for the school who meet certain eligibility requirements. (NRS 386.590) Section 6 of this bill revises provisions governing the employment of those administrators and revises the eligibility requirements.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***There is hereby created a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the State Board. The State Board is hereby deemed the board of trustees of the School District. The School District is created for the sole purpose of providing local educational agency status to the District for purposes of federal law governing charter schools.***

Sec. 3. ***1. Except as otherwise provided in subsection 2, if a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall appoint an***

***administrator of the charter school to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure. The administrator shall assume the responsibility for the records of the:***

***(a) Charter school;***

***(b) Employees of the charter school; and***

***(c) Pupils enrolled in the charter school.***

***2. If an administrator for the charter school is no longer available to carry out the duties set forth in subsection 1, the governing body of the charter school shall appoint a qualified person to assume those duties.***

***3. The governing body of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed pursuant to subsection 2 to carry out the provisions of this section.***

Sec. 4. NRS 386.500 is hereby amended to read as follows:

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, ***and sections 2 and 3 of this act,*** a pupil is "at risk" if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 5. NRS 386.505 is hereby amended to read as follows:

386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. The conversion of an existing public school, home school or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude ~~[a]~~ ***:***

***(a) A*** private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of NRS 386.500 to 386.610, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

***(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.***

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

***Sec. 5.5.*** **NRS 386.527 is hereby amended to read as follows:**

386.527 1. If the State Board or the board of trustees of a school district approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board or the board of trustees, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the

approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. ~~[Upon the initial renewal of a written charter and each renewal thereafter, the]~~ ***The*** governing body of a charter school may request ***, at any time,*** a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt ~~[objective]~~ ***:***

***(a) An application process for a charter school that requests a change in the sponsorship of the charter school, which must not require the applicant to undergo the requirements of an initial application to form a charter school; and***

***(b) Objective*** criteria for the conditions under which such a request may be granted.

4. Except as otherwise provided in subsection 6, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in paragraphs (a) to (o), inclusive, of subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

5. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently ~~[enrolled]~~ ***approved for enrollment*** in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, ***and sections 2 and 3 of this act,*** and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school

wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently ~~[enrolled]~~ ***approved for enrollment*** in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

6. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

7. The holder of a written charter that is issued pursuant to subsection 6 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 6 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 6. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school

shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if he teaches one or more of the following subjects:

(a) English, reading or language arts;
(b) Mathematics;
(c) Science;
(d) Foreign language;
(e) Civics or government;
(f) Economics;
(g) Geography;
(h) History; or
(i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter

391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

(a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school ~~[may]~~ ***shall*** employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) ~~[If the person has at]~~ ***At*** least 5 years of experience in ***school*** administration, ***public administration or business administration and*** a baccalaureate degree.

7. ~~*[The]*~~ ***Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.***

***8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.***

***9.*** A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this State or another state.

~~[8.]~~ ~~*[9.]*~~ ***10.*** On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent

of Public Instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:

(a) The amount of salary of the employee ~~[;]~~ ***, including, without limitation, verification of compliance with subsection 7, if applicable to that employee;*** and

(b) The designated assignment, as that term is defined by the Department, of the employee.

Sec. 7. If a person is employed by a charter school as an administrator before July 1, 2007, and he qualified for that position pursuant to paragraph (c) of subsection 6 of NRS 386.590, the person may continue employment in that position even if he does not satisfy the qualifications set forth in section 6 of this act.

Sec. 8. If a person is employed by a charter school as an administrator before July 1, 2007, and the contract of employment with the administrator provides for a salary **or other compensation** that violates subsection 7 of NRS 386.590, as amended by section 6 of this act, the administrator may continue to receive that salary **or other compensation** only through the term of the existing contract of employment. Any new contract or renewal of the existing contract with that administrator must comply with subsection 7 of NRS 386.590, as amended by section 6 of this act.

Sec. 9. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 334.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 512.

The following Senate amendment was read:

Amendment No. 705.

AN ACT relating to education; requiring the board of trustees of a school district to employ certain student teachers as substitute teachers ~~[in certain schools and in certain subject areas]~~ under certain circumstances; **requiring the Legislative Committee on Education to study issues relating to the use of long-term substitute teachers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a school district to enter into an agreement for the assignment of student teachers within the school district for training purposes. (NRS 391.095) ~~[This]~~ **Section 1 of this** bill requires a school district which has entered into such an agreement to employ certain student teachers as substitutes ~~[in at-risk schools and in hard-to-fill subject areas]~~ when licensed teachers are not available to fill those positions. **Section 3 of this bill requires the Legislative Committee on Education to conduct a**

**study of issues relating to the use of long-term substitute teachers during the 2007-2009 interim.**

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. A board of trustees of a school district that has entered into an agreement pursuant to NRS 391.095 shall, before assigning a long-term substitute who is not a licensed teacher, assign a student teacher who satisfies the requirements of subsection 2 as a substitute teacher .*** ~~*[to fill positions:*~~

~~*(a) At schools in which 65 percent or more of the pupils who are enrolled in the school are children who are at risk; or*~~

~~*(b) In the field of mathematics, science, special education or English as a second language.]*~~

***2. A student teacher who has completed not less than 4 weeks of student teaching in a school district pursuant to NRS 391.095 may apply to the board of trustees of that school district for employment as a substitute teacher. The application must include the written approval of:***

***(a) The teacher who supervises the student teacher through the Nevada System of Higher Education or accredited postsecondary educational institution, as applicable; and***

***(b) The teacher who is responsible for supervising the student teacher in the classroom.***

***3. If a school district employs a student teacher as a substitute teacher pursuant to this section, the school district shall ensure that the student teacher is*** ~~*[supervised]*~~ ***:***

***(a) Assigned to teach in the subject area and grade level, as applicable, in which the student teacher is completing his student teaching.***

***(b) Supervised by a licensed teacher. A licensed teacher so assigned must:***

~~*[(a)]*~~ ***(1) Be available to assist the student teacher and observe the student teacher on a periodic basis; and***

~~*[(b)]*~~ ***(2) Oversee the management of the classroom, instructional duties and administrative duties of the student teacher.***

***4. A student teacher who is employed as a substitute teacher pursuant to this section is entitled to the rate of pay otherwise payable to substitute teachers employed by the school district for each day the student teacher works as a substitute teacher. Nothing in this section entitles a student teacher who is not employed as a substitute teacher to be paid for time spent completing his student teaching*** ~~*[.]*~~ ***, including, without limitation, time spent completing course work and assignments required for completion of a program of study offered by the Nevada System of Higher Education or an accredited postsecondary educational institution.***

***5. ~~[The]~~ Except as otherwise provided in this subsection, the board of trustees of a school district that employs a student teacher as a substitute teacher pursuant to this section shall, in consultation with the employee organization representing licensed teachers in the school district, provide for compensation of the licensed teacher who supervises the student teacher pursuant to subsection 3 that is in addition to the regular salary of the licensed teacher. The board of trustees is not required to provide additional compensation to:***

***(a) A licensed teacher who is employed by the school district for the primary purpose of supervising student teachers and who is not otherwise employed for the purpose of providing classroom instruction to pupils; or***

***(b) A licensed teacher who receives compensation from the Nevada System of Higher Education or an accredited postsecondary educational institution for supervising student teachers.***

***6. As used in this section, "student teacher" means a student of a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution who is assigned to teach for training purposes pursuant to NRS 391.095.***

Sec. 2. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in subsections 4 and 10 ~~[,]~~ ***and except for persons who are supervised pursuant to section 1 of this act,*** the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4 must be under administrative supervision when performing duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Except as otherwise provided in subsection 5, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1. The Superintendent shall not grant an exemption unless:

(a) The duties are within the employee's special expertise or training;

(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;

(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;

(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and

(e) The unlicensed employee submits his fingerprints for an investigation pursuant to NRS 391.033.

5. The exemption authorized by subsection 4 does not apply to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto require the paraprofessional to be directly supervised by a licensed teacher.

6. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

(a) The name of the exempt employee;

(b) The specific instructional duties he may perform;

(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and

(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

7. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

8. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

9. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 8, he shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

(a) The number of days on which the violation occurred;

(b) The number of pupils in the classroom taught by the teacher's aide; and

(c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1233.

10. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto.

***Sec. 3.*** **1. The Legislative Committee on Education shall, during the 2007-2009 interim, study issues relating to the use of long-term substitute teachers, including, without limitation:**

**(a) The effect of the use of long-term substitutes who are not licensed teachers on the performance of pupils and the effect of the use of student teachers as substitutes pursuant to section 1 of this act on the performance of pupils;**

**(b) The number of long-term substitutes employed in this State and the number employed by each school district, including, without limitation, the number who are not licensed teachers;**

**(c) The number of student teachers employed as substitutes pursuant to section 1 of this act in this State and the number employed by each school district;**

**(d) The average time for which a long-term substitute is assigned to a single class;**

**(e) Methods to reduce the use of long-term substitutes, including, without limitation, methods to reduce the number of long-term substitutes who are not licensed teachers or not student teachers employed pursuant to section 1 of this act; and**

**(f) Any other issues relating to the use of long-term substitutes.**

**2. The Legislative Committee on Education may appoint a subcommittee to conduct the study required pursuant to subsection 1 or may request that an appropriate entity which is responsible for studying the coordination of elementary, secondary and postsecondary education in this State conduct the study and report to the Committee.**

**3. On or before February 1, 2009, the Legislative Committee on Education shall submit a report of the results of the study conducted pursuant to this section and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.**

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 512.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 418.

The following Senate amendment was read:

Amendment No. 757.

AN ACT relating to unarmed combat; removing references to wrestling in various statutes relating to unarmed combat; **eliminating the Medical Advisory Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-3 of this bill remove references to wrestling that are contained in various statutes relating to unarmed combat.

**Section 4.5 of this bill eliminates the Medical Advisory Board, which currently recommends standards for the physical and mental**

**examination of contestants, recommends physicians for licensing, advises the Nevada Athletic Commission as to the physical or mental fitness of a contestant and submits reports containing recommendations for revisions in the law to protect the health of contestants. (NRS 467.018)**

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

Section 1. NRS 467.0107 is hereby amended to read as follows:

467.0107 "Unarmed combat" means boxing ~~[, wrestling]~~ or any form of competition in which a blow is usually struck which may reasonably be expected to inflict injury.

Sec. 2. NRS 467.108 is hereby amended to read as follows:

467.108 1. Except as otherwise provided in subsection 2, in addition to the payment of any other fees or taxes required by this chapter, a promoter shall pay to the Commission a fee of $1.00 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State.

2. In lieu of the fee imposed pursuant to subsection 1, the Executive Director of the Commission may require a promoter to pay to the Commission a fee of $0.50 for each ticket sold for admission to a live professional ~~[boxing or wrestling]~~ contest ~~[, match or exhibition]~~ ***of unarmed combat*** which is held in this State if the gross receipts from admission fees to the contest ~~[, match or exhibition]~~ ***of unarmed combat*** are less than $500,000.

3. The money collected pursuant to subsections 1 and 2 must be used by the Commission to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

4. The Commission shall adopt by regulation ~~[the]~~ ***:***

***(a) The*** manner in which ~~[.~~

~~(a) The]~~ ***the*** fees required by subsections 1 and 2 must be paid.

(b) ~~[Applications]~~ ***The manner in which applications*** for grants may be submitted to the Commission ***.*** ~~[and the]~~

***(c) The*** standards to be used to award grants to organizations which promote amateur ~~[boxing]~~ contests or exhibitions ***of unarmed combat*** in this State.

Sec. 3. NRS 467.135 is hereby amended to read as follows:

467.135 1. The Commission, its Executive Director or any other employee authorized by the Commission may order the promoter to withhold any part of a purse or other money belonging or payable to any contestant, manager or second if, in the judgment of the Commission, Executive Director or other employee:

(a) The contestant is not competing honestly or to the best of his skill and ability or the contestant otherwise violates any regulations adopted by the

Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110; or

(b) The manager or seconds violate any regulations adopted by the Commission or any of the provisions of this chapter, including, but not limited to, the provisions of subsection 1 of NRS 467.110.

2. ~~[This section does not apply to any contestant in a wrestling exhibition who appears not to be competing honestly or to the best of his skill and ability.~~

~~3.]~~ Upon the withholding of any part of a purse or other money pursuant to this section, the Commission shall immediately schedule a hearing on the matter, provide adequate notice to all interested parties and dispose of the matter as promptly as possible.

~~[4.]~~ ***3.*** If it is determined that a contestant, manager or second is not entitled to any part of his share of the purse or other money, the promoter shall pay the money over to the Commission. Subject to the provisions of subsection ~~[5,]~~ ***4,*** the money must be deposited with the State Treasurer for credit to the State General Fund.

~~[5.]~~ ***4.*** Money turned over to the Commission pending final action in any matter must be credited to the Athletic Commission's Agency Account and must remain in that Account until the Commission orders its disposition in accordance with the final action taken.

Sec. 4. (Deleted by amendment.)

***Sec. 4.5.*** **NRS 467.0101, 467.012, 467.015 and 467.018 are hereby repealed.**

Sec. 5. This act becomes effective on July 1, 2007.

**LEADLINES OF REPEALED SECTIONS**

**467.0101 "Board" defined.**
**467.012 Creation; Chairman; terms.**
**467.015 Qualifications of members.**
**467.018 Duties.**

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 418.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered to the Senate.

GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:
Amendment No. 909.

SUMMARY—Provides for the imposition of an administrative assessment for certain traffic violations **in certain smaller counties** to be used for the

awarding of grants to volunteer organizations that provide emergency medical services. (BDR 14-221)

AN ACT relating to administrative assessments; providing for the imposition of an administrative assessment for certain traffic violations ~~[,]~~ **in certain smaller counties;** creating the Volunteer Emergency Medical Services Fund into which money collected from such assessments must be deposited; providing for grants to be awarded from the Fund to volunteer organizations that provide emergency medical services **in certain smaller counties** in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a court to impose a $5 administrative assessment in addition to any other fine or assessment any time that a person pleads, is found guilty of or enters a plea of nolo contendere to a moving traffic violation ~~[.]~~ **in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties).** Sections 1 and 6 of this bill provide that any amounts collected from the administrative assessment must be credited to the Nevada Volunteer Emergency Medical Services Fund which is created as a continuing fund within the State Treasury. Section 6 provides that money in the Fund will be used to award grants to volunteer organizations that deliver emergency medical services **in counties whose population is less than 100,000** in this State. The organization to which such a grant is made may use the money for the acquisition of capital goods, training, equipment or supplies.

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

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

***1.*** ~~*[Except]*~~ ***In a county whose population is less than 100,000, except as otherwise provided in subsection 2, in addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty of or enters a plea of nolo contendere to a moving traffic violation, including, without limitation, the violation of any county or municipal ordinance, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of $5 as an administrative assessment for the provision of volunteer emergency medical services and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.***

***2. The money collected for an administrative assessment for the provision of volunteer emergency medical services must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket***

***and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 4. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.***

***3. If the justice or judge permits the fine and administrative assessment for the provision of volunteer emergency medical services to be paid in installments, the payments must be applied in the following order:***

***(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;***

***(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;***

***(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;***

***(d) To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to this section; and***

***(e) To pay the fine.***

***4. The money collected for an administrative assessment for the provision of volunteer emergency medical services must be paid by the clerk of the court in which the money is collected to the State Treasurer on or before the fifth day of each month for the preceding month for credit to the Nevada Volunteer Emergency Medical Services Fund created pursuant to section 6 of this act.***

***5. As used in this section, "moving traffic violation" means an act that is a moving traffic violation for the purposes of NRS 483.473.***

Sec. 2. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613 ~~[.]~~ ***and section 1 of this act,*** an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against

the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to section 1 of this act; and***

***(e)*** To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 3. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611 ~~[,]~~ ***and section 1 of this act,*** an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has

been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for the provision of volunteer emergency medical services pursuant to section 1 of this act; and***

***(e)*** To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 4. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the necessary traveling expenses and subsistence allowances in the amounts authorized by NRS 281.160 incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty or nolo contendere to the criminal charge for which he was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine his ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[.]~~ ***and section 1 of this act.***

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning him to this State. The court shall not order the person to make restitution if payment of restitution will prevent him from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of his sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 5. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

(a) The amount of reimbursement due;

(b) Costs incurred in conducting an investigation of the financial status of the prisoner; and

(c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

(a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;

(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if he has been released, the date of his release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or his spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or

personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

(a) Child support or alimony;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[,]~~ ***and section 1 of this act,***

➥ has priority over the payment of a judgment entered pursuant to this section.

Sec. 6. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

***1. The Volunteer Emergency Medical Services Fund is hereby created in the State Treasury. Any administrative assessment imposed and collected pursuant to section 1 of this act must be deposited with the State Treasurer for credit to the Fund.***

***2. The Committee on Emergency Medical Services shall administer the Fund.***

***3. The Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.***

***4. The Committee may accept gifts, grants and donations from any source for deposit in the Fund.***

***5. The Committee may use the money in the Fund only to award grants to volunteer organizations that provide emergency medical services in counties whose population is less than 100,000 in this State which will use the money for the acquisition of capital goods, training, equipment or supplies related to such services. The Committee shall establish:***

***(a) The procedures by which a volunteer organization may apply for a grant from the Fund; and***

***(b) The criteria for determining whether to award a grant from the Fund.***

Sec. 7. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 453.

Bill read third time.

Remarks by Assemblyman Hogan.

Roll call on Senate Bill No. 453:

YEAS—42.

NAYS—None.

Senate Bill No. 453 having received a constitutional majority, Madam Speaker declared it passed.
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 11:55 a.m.

## ASSEMBLY IN SESSION

At 12:26 p.m.
Madam Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 542 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

### GENERAL FILE AND THIRD READING

Senate Bill No. 456.
Bill read third time.
Roll call on Senate Bill No. 456:
YEAS—42.
NAYS—None.
Senate Bill No. 456 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 457.
Bill read third time.
Remarks by Assemblywoman Weber.
Roll call on Senate Bill No. 457:
YEAS—42.
NAYS—None.
Senate Bill No. 457 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 481.
Bill read third time.
Roll call on Senate Bill No. 481:
YEAS—40.
NAYS—Arberry, Koivisto—2.
Senate Bill No. 481 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 486:

YEAS—42.

NAYS—None.

Senate Bill No. 486 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 487.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Leslie, and Claborn.

Assemblywoman Kirkpatrick requested that the following remarks be entered in the Journal.

ASSEMBLYWOMAN KIRKPATRICK:

Senate Bill 487 creates an advisory subcommittee of the Washoe County Regional Planning Commission. This commission must submit a report to the Legislative Counsel Bureau for the transmission to the 75th Session of the Nevada Legislature. In it, we would like to see it address the conjunctive use for purveyors to determine the availability and possible sources of water needed to accommodate the regional land use plan, determine the extent of duplicating water facilities, and identify funding sources for the water supply needed to implement the regional land use plan.

ASSEMBLYWOMAN LESLIE:

I thank the Committee and the Chairwoman for their hard work on this bill. I just have one concern. On page 2, section 2, subsection 2(c), line 20, it reads “Four members of the general public who are consumers of water services,” and I just want to make sure that the Committee’s intent is that those really be general public members and not elected officials or government employees.

ASSEMBLYWOMAN KIRKPATRICK:

To my colleague from the north, that is correct. That was the intent of the Committee, that we did put the general public on there.

ASSEMBLYMAN CLABORN:

I rise in opposition to this bill. I received over 200 emails, not one of which was in favor of this bill. That leads me to believe that the public doesn’t really want it.

Roll call on Senate Bill No. 487:

YEAS—35.

NAYS—Beers, Christensen, Claborn, Cobb, Goedhart, Ohrenschall, Settelmeyer—7.

Senate Bill No. 487 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 491.

Bill read third time.

Remarks by Assemblyman Settelmeyer.

Roll call on Senate Bill No. 491:

YEAS—42.

NAYS—None.

Senate Bill No. 491 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 495.

Bill read third time.

Remarks by Assemblywoman Koivisto.

Roll call on Senate Bill No. 495:

YEAS—42.

NAYS—None.

Senate Bill No. 495 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 288 be taken from its position on the General File and placed at the top of General File.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 288.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 1012.

AN ACT relating to fire protection districts; requiring the board of directors of a fire protection district created by an election to cooperate with the State Forester Firewarden and certain other agencies to prevent and suppress fires in wild lands; authorizing such a board of directors to appoint a district fire chief; providing that the activities of a fire protection district created by an election are separate from county activities and any other political subdivision in this State; authorizing a board of fire commissioners to provide emergency medical services within a fire protection district **;** ~~[under certain circumstances;]~~ requiring title to all property acquired by a fire protection district organized by a board of county commissioners to vest in the district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the organization of fire protection districts by an ordinance adopted by a board of county commissioners or by the approval of the voters of a proposed fire protection district. (Chapter 474 of NRS) Under existing law, a fire protection district approved by the voters may include contiguous territory from more than one county. (NRS 474.010) Section 9 of this bill provides that such a fire protection district may include incorporated territory within a consolidated municipality, provided that such territory is not included in any other fire protection district. Section 9 also removes the exclusion that had prohibited such a fire protection district from including timberland patrolled by the United States Forest Service. Sections 2-8 and

15-18 of this bill borrow various existing provisions that are applicable to a fire protection district organized by a board of county commissioners and make them applicable to a fire protection district approved by the voters. **Section 8.5 of this bill clarifies that certain persons and entities may not operate an ambulance in an area for which an exclusive franchise for ambulance service has been granted.** Sections 20, 21, 22 and 24 of this bill borrow various existing provisions that are applicable to a fire protection district approved by the voters and make them applicable to a fire protection district organized by a board of county commissioners. Section 25 of this bill restricts existing procedures for the reorganization of a fire protection district to apply only to a fire protection district organized by a board of county commissioners.

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

Section 1. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[8,]~~ **8.5,** inclusive, of this act.

Sec. 2. ***1. A county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act, upon its formation:***

***(a) Is a political subdivision of this State; and***

***(b) Has perpetual existence unless dissolved as provided in this chapter.***

***2. Each such district may:***

***(a) Sue and be sued, and be a party to suits, actions and proceedings;***

***(b) Arbitrate claims; and***

***(c) Contract and be contracted with.***

Sec. 3. ***The board of directors of a county fire protection district shall cooperate with the State Forester Firewarden and other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.200 for that purpose to cooperating agencies, or may receive contributions from other agencies to be spent for that purpose.***

Sec. 4. ***1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies.***

***2. In lieu of or in addition to the provisions of subsection 1, the board of directors may ~~[provide]~~ :***

***(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies as provided by NRS 277.180***

***and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district*** ~~[.]~~ ***; or***

***(b) Support volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.***

Sec. 5. ***The activities of a county fire protection district are separate from county activities and any other political subdivision in this State.***

Sec. 6. ~~*[1. Except as otherwise provided in subsection 2, the]*~~ ***The board of fire commissioners of a district organized pursuant to NRS 474.460 may:***

~~*[(a)]*~~ ***1. Provide emergency medical services within the district; and***

~~*[(b)]*~~ ***2. Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances if necessary, and may take out liability and other insurance therefor. The board of fire commissioners may employ trained personnel to operate those vehicles.***

~~*[ 2. The provisions of this section do not allow the board of fire commissioners of a district organized pursuant to NRS 474.460 to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.]*~~

Sec. 7. ***All accounts, bills and demands against a district organized pursuant to NRS 474.460 must be audited, allowed and paid by the board of fire commissioners by warrants drawn on the county treasurer or the treasurer of the district. The county treasurer or, if authorized by the board of county commissioners and the board of fire commissioners, the treasurer of the district shall pay them in the order in which they are presented.***

Sec. 8. ***The title to all property which may have been acquired for a district organized pursuant to NRS 474.460 must be vested in the district.***

***Sec. 8.5. Nothing in this chapter authorizes any person, firm, corporation, association, government, governmental agency or political subdivision of a government to operate an ambulance in any area for which an exclusive franchise for ambulance service has been granted:***

***1. By a county, city or town pursuant to NRS 244.187, 268.081 or 269.128, as applicable; or***

***2. By another person or governmental entity authorized to do so on behalf of the county, city or town.***

Sec. 9. NRS 474.010 is hereby amended to read as follows:

474.010 Contiguous unincorporated territory lying within one or more counties ***or incorporated territory lying within a consolidated municipality*** and not included in any other fire protection district ~~[, and not including timberland patrolled by the United States Forest Service or in accordance with the rules and regulations of the United States Forest Service,]~~ may be formed into a county fire protection district in the manner and under the

proceedings set forth in NRS 474.010 to 474.450, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 10. NRS 474.020 is hereby amended to read as follows:

474.020 1. When 25 percent or more of the holders of title or evidence of title to lands lying in one body, whose names appear as such upon the last county assessment roll, ~~[shall]~~ present a petition to the board of county commissioners of the county in which the land or the greater portion thereof ~~[lies,]~~ ***is located,*** setting forth the exterior boundaries of the proposed district and asking that the district so described be formed into a county fire protection district under the provisions of NRS 474.010 to 474.450, inclusive, ***and sections 2 to 5, inclusive, of this act,*** the board of county commissioners shall pass a resolution declaring the board's intention to form or organize such territory into a county fire protection district, naming the district and describing its exterior boundaries.

2. The resolution ~~[shall:]~~ ***must:***

(a) Fix a time and place for the hearing of the matter not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish the notice of intention of the board of county commissioners to form ~~[such]~~ ***the*** county fire protection district, and of the time and place fixed for the hearing, and ~~[shall]~~ ***must*** designate that publication ~~[shall]~~ ***must*** be in ~~[some]~~ ***a*** newspaper of general circulation published in the county and circulated in the proposed county fire protection district, or if there is no newspaper so published and circulated ***,*** then in ~~[some]~~ ***a*** newspaper of general circulation circulated in the proposed district.

Sec. 11. NRS 474.030 is hereby amended to read as follows:

474.030 The notice ~~[shall:]~~ ***must:***

1. Be headed "Notice of the proposed formation of fire protection district in ..... County ***"*** ~~[(stating]~~ ***," stating*** the name of the proposed district and the name of the county or, if there ~~[be]~~ ***is*** more than one ~~[,]~~ ***county,*** the name of the counties in which the proposed district is located ***.*** ~~[). "]~~

2. State the fact that the board of county commissioners ~~[of the county]~~ has fixed the time and place ~~[(which shall be stated in the notice)]~~ for a hearing on the matter of the formation of a county fire protection district ~~[.]~~ ***, and must set forth the time and place of that hearing.***

3. Describe the territory or ~~[shall]~~ specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which boundaries, so far as practicable, ~~[shall]~~ ***must*** be the centerlines of highways.

4. Be published once a week for 2 successive weeks ~~[prior to]~~ ***before*** the time fixed for the hearing in the newspaper designated by the board of county commissioners.

Sec. 12. NRS 474.080 is hereby amended to read as follows:

474.080 1. The board of county commissioners shall submit the question of whether the proposed district shall be organized pursuant to the provisions of NRS 474.010 to 474.450, inclusive, ***and sections 2 to 5,***

***inclusive, of this act*** to the electors of the proposed district at the next primary or general election.

2. The notice must:

(a) Designate a name for the proposed district.

(b) Describe the boundaries of the precincts established therein, ~~[when]~~ ***if*** more than one, together with a designation of the polling places and board of election for each precinct.

(c) Be published once a week for at least 3 weeks ~~[previous to]~~ ***before*** the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county ***or counties*** in which the ~~[petition for the organization of the district was presented.]~~ ***proposed district is located.***

(d) Require the electors to cast ballots, which must contain the words: "..... County fire protection district—Yes," or "..... County fire protection district—No," or words equivalent thereto, and also the names of one or more persons **,** ~~[(]~~ according to the division of the proposed district as prayed for in the petition and ordered by the board **,** ~~[)]~~ to be voted for to fill the office of director.

Sec. 13. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding ~~[such]~~ ***the*** election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast ~~[thereat.]~~ ***at the election.***

2. If upon such canvass it appears that a majority of all votes cast in the district **,** ~~[(]~~ and in each portion of the counties included in the district ~~[in case]~~ ***if*** lands in more than one county are included therein **,** ~~[)]~~ are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory ~~[duly]~~ organized as a county fire protection district under the name theretofore designated; and

(b) The persons receiving, respectively, the highest number of votes for the directors to be ~~[duly]~~ elected to ~~[such]~~ ***those*** offices.

Sec. 14. NRS 474.120 is hereby amended to read as follows:

474.120 1. The board ***of county commissioners*** shall then cause a copy of such order, ~~[duly]~~ certified by the clerk of the board **,** ~~[of county commissioners,]~~ to be immediately filed for record in the office of the county recorder of ~~[any]~~ ***each*** county in which any portion of the lands ~~[embraced in such]~~ ***included in the*** district are ~~[situated,]~~ ***located,*** and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each ~~[of such counties.~~

~~2. No]~~ ***such county.***

***2. The*** board of county commissioners ~~[of the county]~~ shall ~~[,]~~ ***not,*** after the date of the organization of the district, allow another fire protection district to be formed ~~[, including any portion of such lands,]~~ ***within the district*** without the consent of the owners thereof.

3. From and after such filing, the organization of the district ~~[shall be]~~ ***is*** complete.

Sec. 15. NRS 474.160 is hereby amended to read as follows:

474.160 The board of directors shall:

1. Manage and conduct the business and affairs of the district.

2. ~~[Make]~~ ***Adopt*** and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➥ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning ~~[such]~~ ***those*** substances, materials or devices that is required by the Federal Government and has been adopted by ~~[a]~~ ***the*** board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.

4. Make and execute in the name of the district all necessary contracts.

5. Adopt a seal for the district to be used in the attestation of proper documents.

6. Provide for the payment from the proper fund of ***the salaries of employees of the district and*** all the debts and just claims against the district.

7. Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

8. Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.

9. Construct any necessary structures.

10. Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.

11. Eliminate and remove fire hazards within the district ~~[wherever]~~ ***if*** practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

12. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 16. NRS 474.180 is hereby amended to read as follows:

474.180 The

~~*[1. Except as otherwise provided in subsection 2, the]*~~ board of directors may ~~[~~purchase,~~]~~ ***:***

~~*[(a)]*~~ ***1. Provide emergency medical services within the district; and***

~~*[(b)]*~~ ***2. Purchase,*** acquire by donation or otherwise, lease, operate and maintain ambulances whenever necessary, and may take out liability and other insurance therefor. The board of directors may employ trained personnel to operate ~~[~~these~~]~~ ***those*** vehicles.

~~*[ 2. The provisions of this section do not allow the board of directors to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.]*~~

Sec. 17. NRS 474.190 is hereby amended to read as follows:

474.190 1. Subject to the provisions of subsection ~~[~~2,~~]~~ ***3,*** the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

2. ***The budget must be based on estimates of the amount of money that will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.***

***3.*** The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities ~~[~~shall~~]~~ ***must*** not in any 1 year exceed 1 percent of the ~~[~~assessable property within the district.

~~3. In determining the tax to be levied to raise the amount of money required by such budget within such limitation, the board of county commissioners shall prorate 80 percent of the amount of the tax upon the assessed value of improvements and personal property upon each parcel of land and 20 percent upon the assessed value of each parcel of land, if upon the formation of the district a provision for such procedure was included in the notice to create the district approved by the property owners, or if a petition requesting such procedure, signed by not less than a majority of the property owners within the district, is presented to the board prior to January 20.~~] ***assessed value of the property described in NRS 474.200 and any net proceeds of minerals derived from within the boundaries of the district.***

Sec. 18. NRS 474.200 is hereby amended to read as follows:

474.200 1. At the time of making the levy of county taxes for that year, the boards of county commissioners shall levy the tax ~~[~~certified~~]~~ ***established pursuant to NRS 474.190*** upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes. ***Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.***

3. When the tax is collected it must be placed in the treasury of the county in which the greater portion of the ***county fire protection*** district is located, to the credit of the ~~[current expense fund of the district, and may be used only for the purpose for which it was raised.]~~ ***district. The treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of the district must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of $1,000,000. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed $1,000,000 must be credited to the district fire protection operating fund.***

***4. For the purposes of subsection 3, an emergency includes, without limitation, any event that:***

***(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;***

***(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and***

***(c) Requires the district to provide money to obtain a matching grant from a state agency or an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.***

Sec. 19. NRS 474.300 is hereby amended to read as follows:

474.300 1. In any county fire protection district availing itself of the privileges of this section and NRS 474.220 and 474.310, the board of directors of ~~[such]~~ ***the*** district annually shall determine the tax necessary for the payment of interest and principal of such bonds.

2. The amount of the tax ~~[shall]~~ ***must*** be certified to the boards of county commissioners of the counties in which any portion of the district is located, and ~~[such]~~ ***the*** board of county commissioners shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all the real property, together with the improvements thereon, in the district.

3. When levied, the tax ~~[shall]~~ ***must*** be entered on the assessment rolls and collected in the same manner as state and county taxes.

4. When the tax is collected it ~~[shall]~~ ***must*** be placed in the treasury of the county in which the greater portion of the district is located in a special

fund for the payment of principal and interest of the bonds. Payments therefrom ~~[shall]~~ ***must*** be made according to the terms of the bonds.

Sec. 20. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county ***or consolidated municipality*** not included in any other fire protection district, except incorporated areas ~~[,]~~ ***other than consolidated municipalities,*** may be organized by ordinance by the board of county commissioners of the county in which ~~[such]~~ ***that*** territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as ~~[such]~~ ***that*** territory may be included in another fire protection district formed in accordance with the provisions of chapter 473 of NRS, or NRS 474.010 to 474.450, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

2. Each such district ~~[shall:~~

~~(a) Be a body corporate and politic;~~

~~(b) Be]~~ ***:***

***(a) Is*** a political subdivision of the State; and

~~[(c) Have]~~

***(b) Has*** perpetual existence unless dissolved as provided in this chapter.

3. Each such district may:

(a) ~~[Have and use a corporate seal;~~

~~(b)]~~ Sue and be sued, and be a party to suits, actions and proceedings;

~~[(c)]~~ ***(b)*** Arbitrate claims; and

~~[(d)]~~ ***(c)*** Contract and be contracted with.

4. The board of county commissioners ~~[of the county]~~ organizing each such district ~~[shall]~~ ***is*** ex officio ~~[be]~~ the governing body of each such district. The governing body ~~[shall]~~ ***must*** be known as the board of fire commissioners.

5. The chairman of the board of county commissioners ~~[shall]~~ ***is*** ex officio ~~[be]~~ ***the*** chairman of each such district.

6. The county clerk ~~[shall]~~ ***is*** ex officio ~~[be]~~ ***the*** clerk of each such district.

7. ~~[The]~~ ***Unless the board of fire commissioners employs a treasurer, the*** county treasurer ~~[shall]~~ ***is*** ex officio ~~[be]~~ ***the*** treasurer of each such district.

Sec. 21. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. ~~[Promulgate]~~ ***Adopt*** and enforce all ***rules and*** regulations necessary for the administration and government of the districts and for the furnishing of fire protection ~~[.]~~ ***thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:***

***(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and***

***(b) Hazardous conditions relating to the use or occupancy of any premises.***

***➥ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.***

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of ~~[such]~~ ***those*** fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the ~~[same when]~~ ***property if*** no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, ~~[either]~~ by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts ~~[wherever]~~ ***if*** practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~[.]~~ ***, and sections 6, 7 and 8 of this act.***

Sec. 21.5. NRS 474.480 is hereby amended to read as follows:

474.480 1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden to coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.

2. Through inspection ***,*** ~~[and recommendation,]~~ the State Forester Firewarden ~~[shall standardize the]~~ ***may recommend standardization of*** fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.

Sec. 22. NRS 474.490 is hereby amended to read as follows:

474.490 The board of fire commissioners shall cooperate with ***the State Forester Firewarden and*** other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.510 for ~~[such]~~ ***that*** purpose to cooperating agencies, or may receive contributions from other agencies to be spent for ~~[such]~~ ***that*** purpose.

Sec. 23. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may :

(a) Provide ~~*[provide]*~~ the fire protection required by NRS 474.460 to 474.540, inclusive, ***and sections 6, 7 and 8 of this act*** to the districts by entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts ~~[.]~~ ; or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, ***and sections 6, 7 and 8 of this act*** for the furnishing of such protection to the districts.

Sec. 24. NRS 474.510 is hereby amended to read as follows:

474.510 1. The board of fire commissioners shall prepare ~~[a]~~ ***an annual*** budget ***in accordance with the provisions of NRS 354.470 to 354.626, inclusive,*** for each district organized in accordance with NRS 474.460 **.** ~~[, estimating]~~

***2. Each budget must be based on estimates of*** the amount of money which will be needed to defray the expenses of the district and to meet unforeseen ~~[fire emergencies, and to determine]~~ ***emergencies and*** the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.

~~[2.]~~ ***3.*** At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 1, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax

Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

~~[3.]~~ ***4.*** The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection ~~[2]~~ ***3*** and any net proceeds of minerals derived from within the boundaries of the district.

~~[4.]~~ ***5.*** If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483 ***,*** and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

~~[5.]~~ ***6.*** For the purposes of NRS 474.460 to 474.550, inclusive, ***and sections 6, 7 and 8 of this act,*** the ~~[county]~~ treasurer ***of the district*** shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district ~~[fire]~~ emergency fund. The ~~[sums]~~ ***money*** collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district fire protection operating fund, and the ~~[sums]~~ ***money*** collected to meet unforeseen emergencies must be deposited in the district ~~[fire]~~ emergency fund. The district ~~[fire]~~ emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district ~~[fire]~~ emergency fund must not exceed the sum of $1,000,000. Any interest earned on the money in the district ~~[fire]~~ emergency fund that causes the balance in that fund to exceed $1,000,000 must be credited to the district fire protection operating fund.

***7. For the purposes of subsection 6, an emergency includes, without limitation, any event that:***

***(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;***

***(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and***

***(c) Requires the district to provide money to obtain a matching grant from an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.***

Sec. 25. NRS 474.560 is hereby amended to read as follows:

474.560 1. A fire protection district organized pursuant to ~~[this chapter]~~ ***NRS 474.460*** may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. ~~[Such]~~ ***The*** reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that ~~[such]~~ ***the*** reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district ~~[shall]~~ ***must*** be assumed or taken over by the reorganized district.

Sec. 26. (Deleted by amendment.)

Sec. 27. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 497.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Senate Bill No. 497:

YEAS—41.

NAYS—Smith.

Senate Bill No. 497 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 498:

YEAS—42.

NAYS—None.

Senate Bill No. 498 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 500.

Bill read third time.

Remarks by Assemblyman Atkinson.

Conflict of interest declared by Assemblywoman Buckley.

Roll call on Senate Bill No. 500:

YEAS—41.

NAYS—None.

NOT VOTING—Buckley.

Senate Bill No. 500 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 502.

Bill read third time.

Remarks by Assemblyman Denis.

Roll call on Senate Bill No. 502:

YEAS—42.

NAYS—None.

Senate Bill No. 502 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 503:

YEAS—42.

NAYS—None.

Senate Bill No. 503 having received a two-thirds majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Senate Bill No. 504:

YEAS—42.

NAYS—None.

Senate Bill No. 504 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 508.

Bill read third time.

Remarks by Assemblymen Goicoechea, Anderson, Kirkpatrick, and Bobzien.

Assemblyman Bobzien requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GOICOECHEA:

Senate Bill 508 creates the Office of Information Security with in the Department of Information Technology. This measure shifts responsibility for the development of the security standards for the Executive Branch from the Planning and Resource Unit to the director of the department. The bill requires the director to establish regulations for the development of these standards. The effective date is July 1, 2007.

ASSEMBLYMAN ANDERSON:

I have a question, with all due respect to my colleague from the eastern part of the state, and perhaps the chair would like to get involved in the discussion.

Was there a discussion between the Attorney General's office of cyber crime, in terms of their security questions relative to their support or opposition to this legislation?

ASSEMBLYMAN GOICOECHEA:

I do not believe that we had any testimony from the Attorney General's office, and clearly, this bill requires the director to establish those regulations. I would assume that the Attorney General would then become involved.

ASSEMBLYWOMAN KIRKPATRICK:

I did, personally, speak with the Attorney General's office, and they are comfortable with the way the language is in this bill.

ASSEMBLYMAN BOBZIEN:

I just wanted to add that there are two purposes that this bill addresses; it is specific to state government and it ensures that information technology security is looked after in state government.

Roll call on Senate Bill No. 508:

YEAS—42.

NAYS—None.

Senate Bill No. 508 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 509.

Bill read third time.

Remarks by Assemblywoman Pierce.

Assemblywoman Pierce requested that her remarks be entered in the Journal.

Senate Bill 509 requires a state agency to advertise for proposals before it enters into a lease-purchase or installment-purchase agreement for the purpose of acquiring an existing building located on property that is not owned by the State. If a state agency wishes to enter into a lease-purchase or installment-purchase agreement on property that is owned by the State, the agency must contract with a design-build team for the design and construction of the building. This measure also makes various changes related to the requirements and conditions of lease-purchase and installment-purchase agreements and clarifies when prevailing wage must be paid on projects. Finally, the measure expands the definition of public work to include any project for which a public body provides property for development at less than the fair market value or provides financial incentives to a developer valued at more than $100,000.

I would like to make clear the legislative intent of this measure. We have added a provision in this bill to clarify existing law relating to prevailing wage because the Nevada Supreme Court has held that even where a statute specifically states that the prevailing wage must be paid pursuant to Chapter 338 of the Nevada Revised Statutes (NRS), prevailing wage need not be paid if the project does not fit the definition of a public work or does not involve a public body. We do not believe this interpretation honors the legislative intent of the current law. Therefore, this bill makes clear that if a statute, a local act, or a special act states that a project is subject to the provisions requiring the payment of prevailing wage in NRS Chapter 338, then the prevailing wage must be paid on that project as if it were a public work.

Roll call on Senate Bill No. 509:

YEAS—34.

NAYS—Allen, Christensen, Cobb, Gansert, Goedhart, Marvel, Stewart, Weber—8.

Senate Bill No. 509 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 511.

Bill read third time.

Remarks by Assemblyman Settelmeyer.
Roll call on Senate Bill No. 511:
YEAS—42.
NAYS—None.
Senate Bill No. 511 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 515.
Bill read third time.
Remarks by Assemblyman Goicoechea.
Roll call on Senate Bill No. 515:
YEAS—42.
NAYS—None.
Senate Bill No. 515 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 518.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Senate Bill No. 518:
YEAS—42.
NAYS—None.
Senate Bill No. 518 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 519.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Senate Bill No. 519:
YEAS—42.
NAYS—None.
Senate Bill No. 519 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 520.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 520:
YEAS—42.
NAYS—None.
Senate Bill No. 520 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 529.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Senate Bill No. 529:
YEAS—42.
NAYS—None.
Senate Bill No. 529 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 534.
Bill read third time.
Remarks by Assemblyman Beers.
Roll call on Senate Bill No. 534:
YEAS—42.
NAYS—None.
Senate Bill No. 534 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 548.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Senate Bill No. 548:
YEAS—42.
NAYS—None.
Senate Bill No. 548 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 549.
Bill read third time.
Remarks by Assemblymen Segerblom, Mortenson, Conklin, and Anderson.
Assemblymen Oceguera, Manendo, and Leslie moved the previous question.
Motion carried.
The question being on the passage of Senate Bill No. 549.
Roll call on Senate Bill No. 549:
YEAS—40.
NAYS—Mortenson, Ohrenschall—2.
Senate Bill No. 549 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 557.
Bill read third time.

Remarks by Assemblywoman Weber.

Roll call on Senate Bill No. 557:

YEAS—42.

NAYS—None.

Senate Bill No. 557 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman Mortenson.

Roll call on Senate Joint Resolution No. 3:

YEAS—41.

NAYS—Mortenson.

Senate Joint Resolution No. 3 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblymen Mortenson, Ohrenschall, and Conklin.

Conflict of interest declared by Assemblymen Kihuen, Anderson, and Bobzien.

Roll call on Senate Joint Resolution No. 4:

YEAS—25.

NAYS—Beers, Carpenter, Christensen, Goedhart, Goicoechea, Hardy, Mabey, Manendo, Ohrenschall, Parnell, Smith, Stewart, Weber, Womack—14.

NOT VOTING—Anderson, Bobzien, Kihuen—3.

Senate Joint Resolution No. 4 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 6 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Joint Resolution No. 10:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 10 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Senate Joint Resolution No. 11:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 11 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Joint Resolution No. 12:

YEAS—41.

NAYS—Leslie.

Senate Joint Resolution No. 12 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Joint Resolution No. 13:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 13 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 15.

Resolution read third time.

Roll call on Senate Joint Resolution No. 15:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 15 having received a constitutional majority, Madam Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 16.

Resolution read third time.

Roll call on Senate Joint Resolution No. 16:
YEAS—35.
NAYS—Atkinson, Kihuen, Leslie, Manendo, Ohrenschall, Pierce, Womack—7.
Senate Joint Resolution No. 16 having received a constitutional majority, Madam Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 17.
Resolution read third time.
Roll call on Senate Joint Resolution No. 17:
YEAS—42.
NAYS—None.
Senate Joint Resolution No. 17 having received a constitutional majority, Madam Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 18.
Resolution read third time.
Roll call on Senate Joint Resolution No. 18:
YEAS—42.
NAYS—None.
Senate Joint Resolution No. 18 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 1:35 p.m.

## ASSEMBLY IN SESSION

At 1:37 p.m.
Madam Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Education:
Assembly Concurrent Resolution No. 33—Directing the Legislative Commission to conduct an interim study concerning funding for public education in Nevada.
Assemblywoman Koivisto moved that the resolution be referred to the Committee on Elections, Procedures, Ethics, and Constitutional Amendments.
Motion carried.

Assemblyman Oceguera moved that the Assembly recess until 4:30 p.m.
Motion carried.

Assembly in recess at 1:39 p.m.

## ASSEMBLY IN SESSION

At 5:00 p.m.
Madam Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 5 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 146 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 196 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 274 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 288 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 328 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 401 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 403 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 412 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 320 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 533 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 536 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 400 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 202 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 203 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 374 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 394 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 366 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 354 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 516 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 436 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 542 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Assembly Bill No. 598 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 354.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 1017.

AN ACT relating to the safety of children; ~~[increasing the penalty for the unlawful possession of a firearm while on school property;]~~ prohibiting the possession of certain firearms on the property of or in a vehicle of child care facilities; revising the definition of "firearm"; requiring children who are taken into custody for possession of a firearm while on school property to submit to an evaluation by a qualified professional and a drug test; revising provisions concerning certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; revising the jurisdiction of school police officers under certain circumstances; and providing other matters property relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the definition of "firearm" ~~[and increases the penalty]~~ for **the purposes of the provision prohibiting** the unlawful possession of a firearm while on school property **.** ~~[from a gross misdemeanor to a category E felony.]~~ (NRS 202.265) Section 1 further makes the provisions prohibiting a person from carrying or possessing certain firearms while on school grounds or in a vehicle of a school applicable to child care facilities. However, if the child care facility is located at or in the home of a natural person, those provisions do not apply to the owner or operator of the facility who resides in the home if he complies with all laws concerning possession of the weapon. In addition, the prohibition only applies with respect to such a facility during the normal hours of business. Existing law allows a juvenile court to decide whether to order a child who is taken into custody for certain unlawful acts involving firearms to submit to an evaluation by a qualified professional. (NRS 62C.060) Section 3 of this bill requires a juvenile court to order a child who is taken into custody for possession of a firearm on school property or at a child care facility to submit to an evaluation by a qualified professional and a drug test.

Existing law sets forth certain conditions to be imposed on sex offenders on lifetime supervision or released on parole, probation or a suspended sentence. (NRS 176A.410, 213.1243, 213.1245, 213.1255) Sections 4-6 of this bill prohibit such sex offenders from establishing residences in a facility that houses more than three persons who have been released from prison unless the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

Existing law gives school police officers the powers of a peace officer and establishes the jurisdiction of such officers. (NRS 391.275) Section 8.5 of this bill expands the jurisdiction of school police officers in certain circumstances.

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

Section 1. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess ~~[,]~~ while on the property of the Nevada System of Higher Education ***,*** ~~[or]~~ a private or public school ***or child care facility,*** or while in a vehicle of a private or public school ~~[:]~~ ***or child care facility:***

(a) An explosive or incendiary device;

(b) A dirk, dagger or switchblade knife;

(c) A nunchaku or trefoil;

(d) A blackjack or billy club or metal knuckles; ~~[or]~~

(e) A pistol, revolver or other firearm ~~[.]~~ ***; or***

***(f) Any device used to mark any part of a person with paint or any other substance.***

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. ~~*[Except as otherwise provided in this section, a person who carries or possesses a pistol, revolver or other firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, is guilty of a category E felony and shall be punished as provided in NRS 193.130.*~~

~~*4.]*~~ This section does not prohibit the possession of a weapon listed in subsection 1 ~~*[or described in subsection 3]*~~ on the property of ~~[a]~~ ***:***

***(a) A*** private or public school ***or child care facility*** by a:

~~[(a)]~~ ***(1)*** Peace officer;

~~[(b)]~~ ***(2)*** School security guard; or

~~[(c)]~~ ***(3)*** Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school ***or the person designated by a child care facility to give permission*** to carry or possess the weapon.

***(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.***

~~*[5.]*~~ ***4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.***

~~[4.]~~ ~~*[6.]*~~ ***5.*** For the purposes of this section:

(a) "Firearm" includes ~~[:~~

~~(1) Any device used to mark the clothing of a person with paint or any other substance; and~~

~~(2) Any~~] ***any*** device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(b) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(c) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(d) "Trefoil" has the meaning ascribed to it in NRS 202.350.

(e) "Vehicle" has the meaning ascribed to "school bus" in NRS 484.148.

Sec. 2. NRS 202.3673 is hereby amended to read as follows:

202.3673 1. Except as otherwise provided in subsections 2 and 3, a permittee may carry a concealed firearm while he is on the premises of any public building.

2. A permittee shall not carry a concealed firearm while he is on the premises of a public building that is located on the property of a public airport.

3. A permittee shall not carry a concealed firearm while he is on the premises of:

(a) A public building that is located on the property of a public school ***or a child care facility*** or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he is on the premises of the public building pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(a)*** of subsection 3 ~~*[4]*~~ of NRS 202.265.

(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he is on the premises of the public building pursuant to subsection 4.

4. The provisions of paragraph (b) of subsection 3 do not prohibit:

(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which he presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.

(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he is on the premises of a public building.

(c) A permittee who is employed in the public building from carrying a concealed firearm while he is on the premises of the public building.

(d) A permittee from carrying a concealed firearm while he is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.

5. A person who violates subsection 2 or 3 is guilty of a misdemeanor.

6. As used in this section, "public building" means any building or office space occupied by:

(a) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or

(b) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

➥ If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.

Sec. 3. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. If a peace officer or probation officer has probable cause to believe that a child is committing or has committed an unlawful act that involves the possession, use or threatened use of a firearm, the officer shall take the child into custody.

2. If a child is taken into custody for an unlawful act described in this section, the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

3. At the detention hearing, the juvenile court shall ***, if the child was taken into custody for:***

***(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:***

***(1) Be evaluated by a qualified professional; and***

***(2) Submit to a test to determine whether the child is using any controlled substance.***

***(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a),*** determine whether to order the child to be evaluated by a qualified professional.

4. If the juvenile court orders the child to be evaluated by a qualified professional ~~[.]~~ ***or to submit to a test to determine whether the child is using any controlled substance,*** the evaluation ***or the results from the test*** must be completed not later than 14 days after the detention hearing. Until the evaluation ***or the test*** is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

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

of the statements made by the child to the qualified professional during the evaluation.

Sec. 4. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime **.** ~~[;]~~

(b) Reside at a location only if ~~[it]~~ ***:***

***(1) The residence*** has been approved by the parole and probation officer assigned to the defendant **.** ~~[and keep]~~

***(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.***

***(3) The defendant keeps*** the parole and probation officer informed of his current address **.** ~~[;]~~

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer **.** ~~[;]~~

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant **.** ~~[;]~~

(e) Participate in and complete a program of professional counseling approved by the Division **.** ~~[;]~~

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance **.** ~~[;]~~

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant **.** ~~[;]~~

(h) Abstain from consuming, possessing or having under his control any alcohol **.** ~~[;]~~

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2 **.** ~~[;]~~

(j) Not use aliases or fictitious names **.** ~~[;]~~

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant **.** ~~[.]~~

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact **.** ~~[.]~~

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend **.** ~~[.]~~

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication **.** ~~[.]~~

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant **.** ~~[.]~~

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant **.** ~~[.]~~

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant **.** ~~[; and]~~

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.410.

Sec. 5. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. ***Except as otherwise provided in subsection 4, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:***

***(a) The residence has been approved by the parole and probation officer assigned to the person.***

***(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.***

***(c) The person keeps the parole and probation officer informed of his current address.***

***4. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsection 3 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.***

***5.*** A person who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of:

(a) If the violation constitutes a minor violation, a misdemeanor.

(b) If the violation constitutes a major violation, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

~~[4.]~~ ***6.*** For the purposes of prosecution of a violation by a person of a condition imposed upon him pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of

lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.

~~[5.]~~ ***7.*** As used in this section:

(a) "Major violation" means a violation which poses a threat to the safety or well-being of others and which involves:

(1) The commission of any crime that is punishable as a gross misdemeanor or felony or any crime that involves a victim who is less than 18 years of age;

(2) The use of a deadly weapon, explosives or a firearm;

(3) The use or threatened use of force or violence against a person;

(4) Death or bodily injury of a person;

(5) An act of domestic violence;

(6) Harassment, stalking or threats of any kind; or

(7) The forcible or unlawful entry of a home, building, structure or vehicle in which a person is present.

(b) "Minor violation" means a violation that does not constitute a major violation.

Sec. 6. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in NRS 179D.620, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if ~~[it]~~ ***:***

***(1) The residence*** has been approved by the parole and probation officer assigned to the parolee **.** ~~[and keep]~~

***(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.***

***(3) The parolee keeps*** the parole and probation officer informed of his current address **.** ~~[;]~~

(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer **.** ~~[;]~~

(c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(d) Participate in and complete a program of professional counseling approved by the Division **.** ~~[;]~~

(e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance **.** ~~[;]~~

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(g) Abstain from consuming, possessing or having under his control any alcohol **.** ~~[;]~~

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2 **.** ~~[;]~~

(i) Not use aliases or fictitious names **.** ~~[;]~~

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee **.** ~~[;]~~

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact **.** ~~[;]~~

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend **.** ~~[;]~~

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication **.** ~~[;]~~

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee **.** ~~[;]~~

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee **.** ~~[; and]~~

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or

communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 391.275 is hereby amended to read as follows:

391.275 ***1.*** The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district ~~[,]~~ for the purpose of:

~~[1.]~~ ***(a)*** Protecting school district personnel, pupils, or real or personal property; or

~~[2.]~~ ***(b)*** Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

***2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:***

***(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;***

***(b) At activities or events sponsored by the school district that are in a location other than the property, buildings or facilities within the school district; and***

***(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.***

Sec. 9. NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and his personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Health Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility licensed as a

residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling, if the Health Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ ***The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.***

11. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 10. The amendatory provisions of:

1. Section 4 of this act apply to any person who is granted probation or a suspension of sentence before, on or after October 1, 2007;

2. Section 5 of this act apply to any person placed under a program of lifetime supervision before, on or after October 1, 2007; and

3. Sections 6 and 7 of this act apply to any person released on parole before, on or after October 1, 2007.

Assemblywoman Kirkpatrick 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 5:09 p.m.

## ASSEMBLY IN SESSION

At 5:15 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 436.

Bill read third time.

The following amendment was proposed by Assemblywomen Allen and Gerhardt:

Amendment No. 1006.

AN ACT relating to common-interest communities; revising provisions governing restrictions on the use of systems for obtaining solar or wind energy; **requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter;** revising the provisions governing the regulation of certain streets in certain common-interest communities; **prohibiting the use of delegates or representatives to exercise the voting rights of units' owners in the election or removal of a member of the executive board; allowing the use of delegates or representatives to exercise the voting rights of owners of certain time shares; prohibiting an association in a common-interest community from imposing an assessment against certain tax-exempt property;** exempting **certain** associations located in certain smaller counties from using a reserve study specialist for conducting a study of reserves; exempting **certain** associations ~~[located in certain smaller counties]~~ from using an independent certified public ~~[account]~~ **accountant** for certain financial matters; **requiring the signatures of certain persons before money in the operating account of an association may be withdrawn; revising the provisions relating to foreclosure of liens against units; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; requiring applicants for a certificate for the management of a common-interest community to post certain bonds;** making various other changes relating to common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Existing law provides that a covenant, restriction or condition in a deed, contract or other legal instrument cannot unreasonably restrict the use of a system for obtaining solar or wind energy. (NRS 111.239, 278.0208) Sections 1 and 21.5 of this bill provide that the only restriction on the use of such a system is with respect to color in certain circumstances.**

**Section 1.3 of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)**

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 1.4 of this bill prohibits a common-interest community from restricting the operation of motorcycles. Section 1.6 of this bill prohibits a common-interest community from using information from radar guns as the basis for a fine or penalty.

~~[ Existing law provides that a covenant, restriction or condition in a deed, contract or other legal instrument cannot unreasonably restrict the use of a system for obtaining solar or wind energy. (NRS 111.239, 278.0208) Sections 1 and 21.5 of this bill provide that the only restriction on the use of such a system is with respect to color in certain circumstances.]~~

**Section 1.7 of this bill: (1) states that the provisions of chapter 116 of NRS do not invalidate or modify the tariffs, rules and standards of a public utility; and (2) provides that the governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility.**

**Under existing law, a common-interest community created before January 1, 1992, and a common-interest community, with a declaration so providing, that consists of at least 1,000 units, may have the voting rights of the units' owners in the association for that common-interest community be exercised by delegates or representatives. (NRS 116.1201, 116.31105) Sections 2.3 and 3.5-4.7 of this bill prohibit the use of delegates or representatives to exercise the voting rights of units' owners in the election or removal of a member of the executive board. However, a master association which governs a time-share plan created pursuant to chapter 119A of NRS is allowed to continue using delegates or representatives to exercise the voting rights of owners of time shares.**

**Section 3.3 of this bill prohibits an association from imposing an assessment against property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.**

Sections 4, 8, 12-14 and 16-21 of this bill eliminate the issuance of permits to reserve study specialists and instead provide for their registration. (NRS 116.31038, 116.750, 116A.120, 116A.260 and 116A.420-116A.900)

~~[Sections 6.3 and]~~ **Section** 6.7 of this bill ~~[provide that in a county whose population is 45,000 or less]~~ **provides that if the annual budget of** an association is **less than $40,000, then the association is** not required to use a certified public accountant to ~~[prepare, present,]~~ audit ~~[or review]~~ certain financial statements. (NRS ~~[116.31142,]~~ 116.31144)

Section 8 of this bill provides that an association **which contains 20 or fewer units and which is** located in a county whose population is 45,000 or less is not required to use a registered reserve study specialist to conduct the study of reserves of the association. (NRS 116.31152)

**Existing law requires certain signatures before money in the reserve account of an association may be withdrawn. (NRS 116.31153) Section 9.2 of this bill also requires certain signatures before money in the operating account of an association may be withdrawn.**

**Existing law provides for an association to have a lien on a unit for any construction penalty, assessment or fine imposed against the unit's owner which may later be foreclosed upon. (NRS 116.3116) Section 9.4 of this bill requires an association to obtain approval from the Commission on Common-Interest Communities before attempting to foreclose its lien. The Commission must approve the foreclosure of the lien if the association has followed certain procedures. In addition, section 9.6 of this bill changes existing law to provide that the sale of a unit as a result of a foreclosure of a lien is subject to an equity or right of redemption. (NRS 116.31166)**

**Section 9.8 of this bill provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, provide equal space and equivalent exposure to opposing views and opinions. If an official publication contains information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to opposing views and opinions. In addition, section 9.8 provides that if an official publication contains any mention of a candidate or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.**

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by State or local governments for public use. (NRS 116.350) Section 10 of this bill further prohibits a common-interest community from restricting the parking of certain ~~[utility]~~ service vehicles, law enforcement vehicles and emergency services vehicles.

Section 11 of this bill deems deposits made in connection with the purchase or reservation of units from a person required to deliver a public offering statement placed in out-of-state escrow companies as being deposited in this State if the escrow holder has a legal right to conduct

business in the State, has a resident agent in this State and has consented to the jurisdiction of the courts of this State. (NRS 116.411)

**Existing law provides for the Commission to adopt regulations concerning the issuance of certificates for community managers. (NRS 116A.410) Section 15.5 of this bill provides that the regulations must: (1) require an applicant to post a bond in a form and in an amount established by regulation; and (2) adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.**

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

Section 1. NRS 111.239 is hereby amended to read as follows:

111.239 1. ~~[Any]~~ ***Except as otherwise provided in subsection 2, any*** covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~[unreasonably]~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

2. ~~[For the purposes of this section, "unreasonably restricts the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.]~~ ***A reasonable covenant, restriction or condition concerning the color of such a system is enforceable so long as it does not prohibit the owner from using ~~[the]~~ a standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.***

Sec. 1.2. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[1.4 and 1.6]~~ **1.3 to 1.7, inclusive,** of this act.

***Sec. 1.3. A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:***

***1. Disclose the matter to the executive board; and***

***2. Abstain from voting on any such matter.***

Sec. 1.4. ***1. The executive board of a common-interest community shall not, and the governing documents of a common-interest community must not, restrict, prohibit or otherwise impede the operation of a motorcycle if the motorcycle is operated on any road, street, alley or other surface intended for use by a motor vehicle.***

***2. The provisions of this section do not preclude the governing documents of a common-interest community from reasonably restricting the parking or storage of a motorcycle to the extent authorized by law.***

***3. As used in this section, "motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground which is required to be registered pursuant to chapter 482 of NRS.***

Sec. 1.6. ***1. A member of the executive board of a common-interest community, a community manager for the common-interest community and any other representative of the association shall not use a radar gun or other device designed to gauge the speed of a vehicle for the purpose of imposing any fine or other penalty upon or taking any other action against a unit's owner or other person.***

***2. The executive board of a common-interest community shall not impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.***

***3. The governing documents of a common-interest community must not authorize the executive board or any other person to impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.***

***Sec. 1.7. 1. The provisions of this chapter do not invalidate or modify the tariffs, rules and standards of a public utility.***

***2. The governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility. Any provision of the governing documents which conflicts with the tariffs, rules and standards of a public utility is void and may not be enforced against a purchaser.***

***3. As used in this section, "public utility" has the meaning ascribed to it in NRS 704.020.***

Sec. 1.8. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

***Sec. 2.3.*** **NRS 116.1201 is hereby amended to read as follows:**

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038, 116.31083 and 116.31152; and

(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter does apply to that planned community. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

(c) Common-interest communities or units located outside of this State, but the provisions of NRS 116.4102 to 116.4108, inclusive, apply to all contracts for the disposition thereof signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992; ~~[or]~~

(d) Prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government ~~[.]~~ ***, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives; or***

***(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan.***

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

***Sec. 2.7.*** **NRS 116.1203 is hereby amended to read as follows:**

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1.3 of this act,*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.

Sec. 3. (Deleted by amendment.)

***Sec. 3.3.*** **NRS 116.3102 is hereby amended to read as follows:**

116.3102 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.

(k) Impose charges for late payment of assessments.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

***3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.***

***Sec. 3.5.*** **NRS 116.31034 is hereby amended to read as follows:**

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~[The]~~ ***Except as otherwise provided in NRS 116.31105, the*** election of any member of the executive board must be conducted by secret written ballot ~~[unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:]~~ ***in the following manner:***

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

***Sec. 3.7.*** **NRS 116.31036 is hereby amended to read as follows:**

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. ~~[The]~~ ***Except as otherwise provided in NRS 116.31105, the*** removal of any member of the executive board must be conducted by secret written ballot ~~[unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the removal of a member of the executive board is conducted by secret written ballot:]~~ ***in the following manner:***

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against the association, but may be recovered from persons whose activity gave rise to the damages.

4. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.

Sec. 4. NRS 116.31038 is hereby amended to read as follows:

116.31038 In addition to any applicable requirement set forth in NRS 116.310395, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:

1. The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

2. An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of inception of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position.

3. A complete study of the reserves of the association, conducted by a person who ~~[holds a permit to conduct such a study issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS. At the time the control of the declarant ends, he shall:

(a) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, he has failed to pay his share of the amounts due, the executive board shall authorize the declarant to pay the deficiency in installments for a period of 3 years, unless the declarant and the executive board agree to a shorter period.

(b) Disclose, in writing, the amount by which he has subsidized the association's dues on a per unit or per lot basis.

4. The association's money or control thereof.

5. All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

6. A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

7. All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

8. Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community other than units in a planned community.

9. Any renewable permits and approvals issued by governmental bodies applicable to the common-interest community which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the community.

10. Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

11. A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

12. Contracts of employment in which the association is a contracting party.

13. Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.

***Sec. 4.3.*** **NRS 116.3108 is hereby amended to read as follows:**

116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting

date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election and:

(a) The voting rights of the ~~[units']~~ owners ***of time shares*** will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

9. The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.

11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

***Sec. 4.5.*** **NRS 116.311 is hereby amended to read as follows:**

116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed.

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining

whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association ***.*** ~~[unless]~~ ***A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to chapter 119A of NRS if*** the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

***Sec. 4.7.*** **NRS 116.31105 is hereby amended to read as follows:**

116.31105 1. If the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~[.]~~ ***except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.***

2. In addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~[.]~~ ***except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.***

3. ***In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS which is governed by a master association may be exercised by delegates or representatives.***

***4.*** For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

~~[4.]~~ ***5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time-share plan.***

***6.*** Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret written ballot.

~~[5.]~~ ***7.*** When an election of a delegate or representative is conducted by secret written ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret written ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.

(d) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.3. ~~[NRS 116.31142 is hereby amended to read as follows:~~

~~116.31142 1. The Commission shall adopt regulations prescribing the requirements for the preparation and presentation of financial statements of an association pursuant to this chapter.~~

~~2. The regulations adopted by the Commission must include, without limitation:~~

~~(a) The qualifications necessary for a person to prepare and present financial statements of an association; and~~

~~(b) The standards and format to be followed in preparing and presenting financial statements of an association.~~

~~*3. The Commission shall not adopt regulations requiring that financial statements be prepared by a certified public accountant if the association is located in a county whose population is 45,000 or less.]*~~ **(Deleted by amendment.)**

Sec. 6.7. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) ***If the annual budget of the association is less than $40,000, cause the financial statement of the association to be audited at least once every 4 fiscal years.***

***(b)*** If the annual budget of the association is ***$40,000 or more but*** less than $75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

~~[(b)]~~ ***(c)*** If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

~~[(c)]~~ ***(d)*** If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by ~~[an]~~ ***:***

***(a) A person deemed qualified by the association to conduct such an audit if the annual budget of the association is less than $40,000; or***

***(b) An*** independent certified public accountant ***if the annual budget of the association is $40,000 or more,***

➥ if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. ~~*[Each audit and review of the financial statement of an association must be conducted by an independent certified public accountant, unless the association is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the association to conduct such an audit or review.*~~

~~*4.]*~~ The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association ; ~~*[which do not conflict with subsection 3;]*~~ and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 116.31152 is hereby amended to read as follows:

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. The study of the reserves required by subsection 1 must be conducted by a person who ~~[holds a permit issued]~~ ***is registered as a reserve study specialist*** pursuant to chapter 116A of NRS ~~[.]~~ ***, unless the association contains 20 or fewer units and is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the executive board to conduct such a study.***

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;

(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study,

and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

5. If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

Sec. 9. (Deleted by amendment.)

***Sec. 9.2.*** **NRS 116.31153 is hereby amended to read as follows:**

116.31153 ***1.*** Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

***2. Money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.***

***Sec. 9.4.*** **NRS 116.31162 is hereby amended to read as follows:**

116.31162 1. Except as otherwise provided in subsection 4, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest, at his address if known and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale

has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) ***The Commission has approved of the foreclosure of the lien. The Commission shall grant approval for the foreclosure of the lien if the Commission finds that the association has complied with paragraph (a) and the association or other person conducting the sale has complied with paragraph (b).***

***(d)*** The unit's owner or his successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest at his address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

***Sec. 9.6.*** **NRS 116.31166 is hereby amended to read as follows:**

116.31166 1. The recitals in a deed made pursuant to NRS 116.31164 of:

(a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;

(b) The elapsing of the 90 days; and

(c) The giving of notice of sale,

➥ are conclusive proof of the matters recited.

2. Such a deed containing those recitals is conclusive against the unit's former owner, his heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 ~~[vests in the purchaser the title of the unit's owner without]~~ ***is subject to an*** equity or right of redemption ~~[.]~~ ***as provided in this section.***

***4. Upon a sale of a unit:***

***(a) The purchaser acquires all the right, title, interest and claim of the unit's owner thereto; and***

***(b) The purchaser must receive a certificate of sale in recordable form which must state:***

***(1) The description of the unit sold;***

***(2) The price bid for the unit sold; and***

***(3) That the unit is subject to redemption within 120 days of the date of the sale.***

***5. A copy of the certificate of sale must be posted on the door of the unit, with a copy mailed first class, postage prepaid, to the addresses of the unit's owner and persons entitled to redeem as indicated in the records of the association and the last known address as shown in the records of the county.***

***6. A person who purchases a unit at a sale pursuant to this section may not transfer ownership of the unit to a person other than a unit's owner or redemptioner during the redemption period.***

***7. A unit sold subject to redemption, as provided in this section, may be redeemed within 120 days of the date of the sale in the manner hereinafter provided by the following persons or their successors in interest:***

***(a) The unit's owner or a successor in interest with a recorded interest in the whole or any part of the unit.***

***(b) A creditor having a security interest on the unit sold or on some share or part thereof.***

***8. To redeem a unit purchased at a sale pursuant to this section, the unit's owner or redemptioner must pay to the purchaser:***

***(a) The amount the purchaser paid for the unit at the sale;***

***(b) The amount of the fee for recording the certificate of sale; and***

***(c) The amount paid by the purchaser for property taxes and assessments, including, without limitation, assessments due under any applicable declaration, any penalties, interest and costs on the unit, and any applicable real property transfer taxes.***

***9. Written notice of redemption in recordable form must be given to the redemptioner by the purchaser at the time of payment.***

***10. If the property is not redeemed within the 120-day period, then the purchaser or his assignee is entitled to a deed to the property from the association.***

***Sec. 9.8.*** **NRS 116.31175 is hereby amended to read as follows:**

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

***6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space in the same issue to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.***

***7. Except as otherwise provided in this subsection, if an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community. If an official publication contains or will contain any information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to any opposing views or opinions.***

***8. As used in this section:***

***(a) "Issue of official interest" includes, without limitation:***

***(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and***

***(2) The enactment or adoption of rules or regulations that will affect a common-interest community.***

***(b) "Official publication" means:***

***(1) An official website;***

***(2) An official newsletter or other similar publication that is circulated to each unit's owner; or***

***(3) An official bulletin board that is available to each unit's owner,***

***➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.***

Sec. 10. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of ***inoperable vehicles,***

recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

***3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:***

***(a) Parking a ~~[utility]~~ service vehicle ~~[that has a gross vehicle weight rating of 20,000 pounds or less]~~ on a driveway, road, street, alley or other thoroughfare:***

***(1) While the person is engaged in any activity relating to the delivery of ~~[public utility]~~ services to subscribers or consumers; or***

***(2) If the person is:***

***(I) A unit's owner;***

***(II) Parking the vehicle within 50 yards of his unit; and***

***(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for ~~[public utility]~~ services; or***

***(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:***

***(1) While the person is engaged in his official duties; or***

***(2) If the person is:***

***(I) A unit's owner;***

***(II) Parking the vehicle within 50 yards of his unit; and***

***(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.***

***4. As used in this section:***

***(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.***

***(b) "Emergency services vehicle" means a vehicle:***

***(1) Owned by any governmental agency or political subdivision of this State; and***

***(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.***

***(c) "Law enforcement vehicle" means a vehicle:***

***(1) Owned by any governmental agency or political subdivision of this State; and***

***(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.***

***(d) ~~["Utility service]~~ "Service vehicle" means any commercial motor vehicle:***

***(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of ~~[public utility]~~ services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.***

***(2) Except for any emergency use, operated primarily within the service area of ~~[a utility's]~~ subscribers or consumers, without regard to***

***whether the commercial motor vehicle is owned, leased or rented by the utility.***

Sec. 11. NRS 116.411 is hereby amended to read as follows:

116.411 1. Except as otherwise provided in subsections 2 ~~[and 3,]~~ ***, 3 and 4,*** a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 must be placed in escrow and held either in this State or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released must not exceed the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.

***4. Pursuant to subsection 1, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 is deemed to be placed in escrow and held in this State when the escrow holder has:***

***(a) The legal right to conduct business in this State;***

***(b) A resident agent in this State pursuant to subsection 1 of NRS 14.020; and***

***(c) Consented to the jurisdiction of the courts of this State by:***

***(1) Maintaining a physical presence in this State; or***

***(2) Executing a written instrument containing such consent, with respect to any suit or claim, whether brought by the declarant or purchaser, relating to or arising in connection with such sale or the escrow agreement related thereto.***

Sec. 12. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any community manager who holds a certificate and any other community manager.

(d) Any person who ~~[holds a permit to conduct a study of the reserves of an association issued]~~ ***is registered as a reserve study specialist, or who conducts a study of reserves,*** pursuant to chapter 116A of NRS.

(e) Any declarant or affiliate of a declarant.

(f) Any unit's owner.

(g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his office, employment, agency or position or who held his office, employment, agency or position at the commencement of proceedings against him.

(b) Resigns his office, employment, agency or position:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 13. NRS 116A.120 is hereby amended to read as follows:

116A.120 ~~["Permit"]~~ ***"Registration"*** means ~~[a permit]~~ ***registration*** to conduct a study of the reserves of an association pursuant to NRS 116.31152 ~~[issued by]~~ ***with*** the Division pursuant to this chapter.

Sec. 14. NRS 116A.260 is hereby amended to read as follows:

116A.260 The Division shall maintain in each district office a public docket or other record in which it shall record, from time to time as made:

1. The rulings or decisions upon all complaints filed with that district office.

2. All investigations instituted by that district office in the first instance, upon or in connection with which any hearing has been held, or in which the person charged has made no defense.

3. Denials of applications made to that district office for examination***, registration*** or issuance of a certificate **.** ~~[or permit.]~~

Sec. 15. (Deleted by amendment.)

***Sec. 15.5.*** **NRS 116A.410 is hereby amended to read as follows:**

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate.

(b) ***Must require an applicant to post a bond in a form and in an amount established by regulation. The Commission shall, by regulation, adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.***

***(c)*** May require applicants to pass an examination in order to obtain a certificate. If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

~~[(c)]~~ ***(d)*** May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

~~[(d)]~~ ***(e)*** Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

~~[(e)]~~ ***(f)*** Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

Sec. 16. NRS 116A.420 is hereby amended to read as follows:

116A.420 1. Except as otherwise provided in this section, a person shall not act as a reserve study specialist unless the person ~~[holds a permit.]~~ ***registers with the Division on a form provided by the Division.***

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists **.** ~~[who hold permits.]~~

3. The Division may investigate any reserve study specialist ~~[who holds a permit]~~ to ensure that the reserve study specialist is complying with the provisions of this chapter and chapter 116 of NRS and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist ~~[who holds a permit]~~ has violated any provision of this chapter or chapter

116 of NRS or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to ~~[issue a permit to]~~ ***accept the registration of*** a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the ~~[permit]~~ ***registration*** of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

***7. A person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.***

Sec. 17. NRS 116A.430 is hereby amended to read as follows:

116A.430 1. The Commission shall by regulation provide for the ~~[issuance]~~ ***registration*** by the Division of ~~[permits to]~~ reserve study specialists. The regulations:

(a) Must establish the qualifications for ~~[the issuance of such a permit,]~~ ***registration,*** including, without limitation, the education and experience required ~~[to obtain such a permit.]~~ ***for registration.***

(b) May require applicants to pass an examination ~~[in order to obtain a permit.]~~ ***for registration.*** If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(d) Must establish the grounds for initiating disciplinary action against a person ~~[to whom a permit has been issued,]~~ ***who has registered,*** including, without limitation, the grounds for placing conditions, limitations or restrictions on ~~[a permit]~~ ***registration*** and for the suspension or revocation of ~~[a permit.]~~ ***registration.***

(e) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for ~~[the issuance of a permit]~~ ***registration*** in an amount not to exceed the administrative costs of ~~[issuing the permit.]~~ ***registration.***

Sec. 18. NRS 116A.440 is hereby amended to read as follows:

116A.440 1. An applicant for a certificate or ~~[permit]~~ ***registration*** shall submit to the Division:

(a) The social security number of the applicant; and

(b) The statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for ***registration or*** the issuance of the certificate ***;*** ~~[or permit;]~~ or

(b) A separate form prescribed by the Division.

3. A certificate ~~[or permit]~~ may not be issued ***and an application for registration may not be accepted*** if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 19. NRS 116A.450 is hereby amended to read as follows:

116A.450 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to ***a person who is registered or*** the holder of a certificate ***,*** ~~[or, permit,]~~ the Division shall deem the ***registration or*** certificate ~~[or permit]~~ to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ by the district attorney or other public agency pursuant to NRS 425.550 stating that the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ has complied with a subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a ***registration or*** certificate ~~[or permit]~~ that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ that he has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 20. NRS 116A.460 is hereby amended to read as follows:

116A.460 The expiration or revocation of a ***registration or*** certificate ~~[or permit]~~ by operation of law or by order or decision of any agency or court of

competent jurisdiction, or the voluntary surrender of such a ***registration or*** certificate ~~[or permit]~~ by the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ does not:

1. Prohibit the Commission or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the ***person who is registered or the*** holder of the certificate ~~[or permit]~~ as authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto against the ***person who is registered or the*** holder of the certificate **.** ~~[or permit.]~~

Sec. 21. NRS 116A.900 is hereby amended to read as follows:

116A.900 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a certificate or ~~[permit]~~ ***registration*** is required pursuant to this chapter or chapter 116 of NRS, or any regulation adopted pursuant thereto, if the person does not hold the required certificate or ~~[permit]~~ ***has not registered*** or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Commission shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Commission deems to be relevant.

4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Commission in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter or chapter 116 of NRS if:

(a) A specific statute exempts the person from complying with the provisions of this chapter or chapter 116 of NRS with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 21.5. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or ~~[unreasonably]~~ restricts the owner of real property from using a system for obtaining solar or wind energy on his property. ***A reasonable ordinance, regulation or plan concerning the color of such a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.***

2. ~~[Any]~~ ***Except as otherwise provided in subsection 3, any*** covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~[unreasonably]~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

3. ~~[For the purposes of this section, "unreasonably restricting the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.]~~ ***A reasonable covenant, restriction or condition concerning the color of a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.***

Sec. 22. (Deleted by amendment.)

***Sec. 22.5.*** **Section 9.6 of this act applies to a sale of a unit conducted pursuant to NRS 116.31162, 116.31163 and 116.31164 on or after October 1, 2007.**

Sec. 23. 1. This section ~~[and section]~~ **becomes effective upon passage and approval.**

**2. Section** 11 of this act ~~[become]~~ **becomes** effective on July 1, 2007.

~~[2.]~~ **3.** Sections 1 to 10, inclusive, ~~[and]~~ 12 to ~~[22,]~~ **15, inclusive, and 16 to 22.5,** inclusive, become effective on October 1, 2007.

~~[3.]~~ **4. Section 15.5 of this act becomes effective:**

**(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and**

**(b) On January 1, 2008, for all other purposes.**

**5.** Sections 18 and 19 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Allen moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 542.

Bill read third time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 1026.

AN ACT relating to property; providing an exemption from execution for certain security deposits made to rent or lease a dwelling; ~~[increasing the amount of the homestead exemption;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, with certain exceptions, in a civil action in which damages were awarded, the prevailing party in the action may obtain a writ of execution to enforce the judgment at any time before the judgment expires. (NRS 21.010) Existing law exempts certain property from such a writ of execution up to a specified monetary value. (NRS 21.090) ~~[In addition, existing law protects from a forced sale up to $350,000 in equity of certain property which is designated as a homestead by a person, except in certain circumstances. (NRS 115.005, 115.010) Sections 2 and 4 of this bill increase the amount of equity protected in homestead property from $350,000 to $450,000.]~~ Section 2 ~~[also]~~ **of this bill** provides an additional exemption from execution for all money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used as the judgment debtor's primary residence.

Sections 1 and 3 of this bill revise the contents of a notice of writ of execution and a notice of writ of attachment to reflect the ~~[changes authorized by]~~ **exemption added in section 2 of** this bill. (NRS 21.075, 31.045)

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

Section 1. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, ~~*[$450,000,]*~~ unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. ***All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used as your primary residence.***

***11.*** A vehicle, if your equity in the vehicle is less than $15,000.

~~[11.]~~ ***12.*** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~[12.]~~ ***13.*** Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[13.]~~ ***14.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[14.]~~ ***15.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[15.]~~ ***16.*** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~[16.]~~ ***17.*** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~[17.]~~ ***18.*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[18.]~~ ***19.*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[19.]~~ ***20.*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent

reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[20.]~~ ***21.*** Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 2. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph ~~[(o),]~~ ***(p),*** one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs ~~[(n), (r) and (s),]~~ ***(o), (s) and (t),*** the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does

not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed $350,000 ~~*[$450,000]*~~ in value and the dwelling is situated upon lands not owned by him.

(n) ***All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his primary residence.***

***(o)*** All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

~~[(o)]~~ ***(p)*** Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

~~[(p)]~~ ***(q)*** Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

~~[(q)]~~ ***(r)*** Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[(r)]~~ ***(s)*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[(s)]~~ ***(t)*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former

spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[(t)]~~ ***(u)*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[(u)]~~ ***(v)*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(v)]~~ ***(w)*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[(w)]~~ ***(x)*** Payments received as restitution for a criminal act.

~~[(x)]~~ ***(y)*** Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ..... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, ~~*[$450,000,]*~~ unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. ***All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used as your primary residence.***

***11.*** A vehicle, if your equity in the vehicle is less than $15,000.

~~[11.]~~ ***12.*** Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

~~[12.]~~ ***13.*** Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

~~[13.]~~ ***14.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

~~[14.]~~ ***15.*** All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

~~[15.]~~ ***16.*** A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

~~[16.]~~ ***17.*** A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

~~[17.]~~ ***18.*** Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

~~[18.]~~ ***19.*** Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[19.]~~ ***20.*** Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

~~[20.]~~ ***21.*** Payments received as restitution for a criminal act.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 4. ~~[NRS 115.010 is hereby amended to read as follows:~~

~~115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.~~

~~2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed~~ [$350,000] ~~*$450,000* in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.~~

~~3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:~~

~~(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained~~

~~through refinancing, line of credit taken against the property and a home equity loan; or~~

~~(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,~~

~~→ by both husband and wife, when that relation exists.~~

~~4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:~~

~~(a) Any mortgage or deed of trust thereon; and~~

~~(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,~~

~~→ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.~~

~~5. Establishment of allodial title does not exempt the property from forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, or 207.350 to 207.520, inclusive.~~

~~6. Any declaration of homestead which has been filed before July 1, [2005,]~~ *2007*, ~~shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, [2005.]~~ *2007.]* **(Deleted by amendment.)**

Sec. 5. ~~[NRS 115.050 is hereby amended to read as follows:~~

~~115.050 1. Whenever execution has been issued against the property of a party claiming the property as a homestead, and the creditor in the judgment makes an oath before the judge of the district court of the county in which the property is situated [,] that the amount of equity held by the claimant in the property exceeds, to the best of the creditor's information and belief, the sum of [$350,000,]~~ *$450,000*, ~~the judge shall, upon notice to the debtor, appoint three disinterested and competent persons as appraisers to estimate and report as to the amount of equity held by the claimant in the property [,] and , if the amount of equity exceeds the sum of [$350,000,]~~ *$450,000*, ~~determine whether the property can be divided so as to leave the property subject to the homestead exemption without material injury.~~

~~2. If it appears, upon the report, to the satisfaction of the judge that the property can be thus divided, he shall order the excess to be sold under execution. If it appears that the property cannot be thus divided, and the~~

~~amount of equity held by the claimant in the property exceeds the exemption allowed by this chapter, he shall order the entire property to be sold, and out of the proceeds the sum of [$350,000] *$450,000* to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution. No bid under [$350,000] *$450,000* may be received by the officer making the sale.~~

~~3. When the execution is against a husband or wife, the judge may direct the [$350,000] *$450,000* to be deposited in court, to be paid out only upon the joint receipt of the husband and wife, and the deposit possesses all the protection against legal process and voluntary disposition by either spouse as did the original homestead.]~~ **(Deleted by amendment.)**

Sec. 5.5. NRS 657.140 is hereby amended to read as follows:

657.140 1. Except as otherwise provided in subsection 2, a financial institution shall not include in any loan agreement a provision that allows the financial institution to recover, take, appropriate or otherwise apply as a setoff against any debt or liability owing to the financial institution under the loan agreement money from an account unrelated to the loan agreement to the extent the money is exempt from execution pursuant to paragraph ~~[(x)]~~ ***(y)*** of subsection 1 of NRS 21.090.

2. The provisions of subsection 1 do not apply to a provision in a loan agreement that specifically authorizes automatic withdrawals from an account.

3. The provisions of this section may not be varied by agreement and the rights conferred by this section may not be waived. Any provision included in an agreement that conflicts with this section is void.

4. As used in this section:

(a) "An account unrelated to the loan agreement" includes, without limitation, an account pledged as security under the loan agreement, unless the specific account pledged as security is conspicuously described in the loan agreement.

(b) "Financial institution" means an institution licensed pursuant to the provisions of this title or title 56 or chapter 645B, 645E or 649 of NRS, or a similar institution chartered or licensed pursuant to federal law.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

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

Senate Bill No. 187.

Bill read third time.

Roll call on Senate Bill No. 187:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 187 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 228.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 228:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 228 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 298.

Bill read third time.

Roll call on Senate Bill No. 298:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 298 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 339.

Bill read third time.

Remarks by Assemblyman Parks.

Roll call on Senate Bill No. 339:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 339 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 340.

Bill read third time.

Roll call on Senate Bill No. 340:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 340 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 345.

Bill read third time.

Roll call on Senate Bill No. 345:
YEAS—40.
NAYS—Cobb.
EXCUSED—Christensen.
Senate Bill No. 345 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 470.
Bill read third time.
Roll call on Senate Bill No. 470:
YEAS—39.
NAYS—Beers, Cobb—2.
EXCUSED—Christensen.
Senate Bill No. 470 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 171.
Bill read third time.
Remarks by Assemblywoman Leslie.
Potential conflict of interest declared by Assemblyman Hardy.
Roll call on Senate Bill No. 171:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 171 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 314.
Bill read third time.
Remarks by Assemblywoman Leslie.
Roll call on Senate Bill No. 314:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 314 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 200.
Bill read third time.
Remarks by Assemblyman Atkinson.
Roll call on Senate Bill No. 200:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.

Senate Bill No. 200 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 398.

Bill read third time.

Remarks by Assemblywoman Smith.

Madam Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Senate Bill No. 398:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 398 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 483

Read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 483 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 535.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 535:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 535 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 242 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 959.

SUMMARY— ~~[Enacts the Model Registered Agents Act.]~~ **Makes various changes concerning agents for service of process and business entities.** (BDR 7-460)

AN ACT relating to ~~[agents for service of process;]~~ **business entities;** enacting the Model Registered Agents Act; **revising the provisions relating to the maintenance of a corporation's records at its registered office; establishing provisions relating to the judgment and execution of a stockholder's stock; requiring registered agents to verify certain information concerning the entities represented in certain circumstances; prohibiting registered agents from performing financial transactions in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain entities to appoint and maintain a resident agent who is located in this State and upon whom all legal process and any notice may be served. (NRS 14.020) This bill changes the term resident agent to registered agent and establishes two types of registered agent, which are called commercial registered agents and noncommercial registered agents.

Section 32 of this bill allows an individual or an entity to become listed as a commercial registered agent by filing with the Secretary of State a statement containing certain information. Under section 31 of this bill, when an entity files with the Secretary of State the document which creates the entity, the entity must include in that document the name of the entity's commercial registered agent, the name and address of the entity's noncommercial registered agent or the title of a position with the entity if service of process is to be sent to the person holding that position. In addition, section 31 ~~[removes the requirement]~~ **requires the entity** to file a certificate of acceptance of appointment signed by the ~~[resident]~~ **registered** agent **.** ~~[and provides that when an entity appoints a registered agent, the entity affirms that the registered agent has consented to serve as the registered agent of the entity. (NRS 14.020)]~~

Section 37 of this bill provides that any registered agent may resign from the representation of an entity by filing a statement of resignation for the entity and paying the fee required by section 29 of this bill. If a noncommercial registered agent wishes to resign from the representation of all entities, the agent must file a statement of resignation for each entity represented by the agent. However, under section 33 of this bill a commercial registered agent may resign from the representation of all entities by filing with the Secretary of State a termination statement and providing notice of the termination to each entity represented by the agent.

Existing law provides that if the name of a resident agent is changed because of certain actions, the resident agent must file a certificate with the Secretary of State and pay a $100 fee. (NRS 78.110, 80.070, 82.193, 86.235, 87.490, 88.331, 88A.540) Section 36 of this bill provides that if a commercial registered agent changes its name, address or type or jurisdiction

of organization, the agent must file with the Secretary of State a statement of change. The filing of this statement changes the registered agent information for each entity represented by the agent. Section 35 of this bill provides that if a noncommercial registered agent changes its name or address, the agent must file with the Secretary of State a statement of change for each entity represented by the agent.

**Section 40.2 of this bill requires certain registered agents who represent entities that engage in business activities that are regulated pursuant to chapter 604A or 675 of NRS to verify that the entity they represent has the appropriate license from the Commissioner of Financial Institutions. In addition, section 40.2 prohibits a registered agent who represents such an entity from performing any financial transactions on behalf of the represented entity in his capacity as registered agent.**

**Section 40.4 of this bill authorizes the Commissioner of Financial Institutions to issue an order to a registered agent to cease and refrain from providing certain services if the represented entity does not have the required license. Section 40.4 further provides for an administrative fine of up to $1,000 against a registered agent who fails to comply with such an order.**

**Section 40.6 of this bill allows the Secretary of State to adopt regulations. Section 40.6 further authorizes the Secretary of State to seek to enjoin a registered agent from engaging in certain conduct.**

Existing law allows certain actions with respect to entities to be filed in the district court of the county in which the office of the entity's resident agent is located. (NRS 78.345, 78.630, 82.306, 82.471, 82.486, 92A.460, 92A.490) This bill provides that these actions must be brought in the district court of the county in which the entity's principal office is located or, if the entity's principal office is not located in this State, in the district court in Carson City.

**Existing law allows a court to charge the interest of a partner in a partnership or limited partnership or a member of a limited-liability company for payment of an unsatisfied judgment under certain circumstances. (NRS 86.401, 87.280, 87.4342, 88.535) Section 43.5 of this bill provides that a court may charge a stockholder's stock with payment of an unsatisfied judgment under certain circumstances.**

**Existing law establishes provisions relating to the maintenance of a corporation's records at its registered office. (NRS 78.105) Section 49.5 of this bill requires certain records to be maintained for a period of 3 years by a new registered agent who replaces a previous registered agent.**

**Existing law provides that certain benefits and property may be exempt from execution. (NRS 21.075, 21.090, 31.045) Sections 171.2-171.6 of this bill provide that stock of certain corporations may be exempt from execution under certain circumstances.**

**Sections 184.7, 184.9 190.7 and 190.9 of this bill specifically authorize the Commissioner of Financial Institutions to investigate the business of a registered agent who represents a person licensed pursuant to chapter 604A or 675 of NRS. (NRS 604A.710, 604A.810, 675.380 and 675.430)**

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

Section 1. Title 7 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 43, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Model Registered Agents Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 28, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Appointment of agent" means a statement appointing an agent for service of process filed by a domestic entity that is not a filing entity or a nonqualified foreign entity under section 38 of this act.***

Sec. 5. ***"Commercial registered agent" means an individual or a domestic or foreign entity listed under section 32 of this act.***

Sec. 6. ***"Domestic entity" means an entity whose internal affairs are governed by the law of this State.***

Sec. 7. ***"Entity" means a person that has a separate legal existence or has the power to acquire an interest in real property in its own name other than:***

***1. An individual;***

***2. A testamentary, inter vivos or charitable trust, with the exception of a business trust, statutory trust or similar trust;***

***3. An association or relationship that is not a partnership by reason of NRS 87.070, subsection 3 of NRS 87.4322 or similar provisions of the law of any other jurisdiction;***

***4. A decedent's estate; or***

***5. A public corporation, government or governmental subdivision, agency or instrumentality or a quasi-governmental instrumentality.***

Sec. 8. ***"Filing entity" means an entity that is created by the filing of a public organic document.***

Sec. 9. ***"Foreign entity" means an entity other than a domestic entity.***

Sec. 10. ***"Foreign qualification document" means an application for a certificate of authority or other foreign qualification filing with the Secretary of State by a foreign entity.***

Sec. 11. ***"Governor" means a person by or under whose authority the powers of an entity are exercised and under whose direction the business and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.***

Sec. 12. ***1. "Interest" means:***

***(a) A governance interest in an unincorporated entity;***

***(b) A transferable interest in an unincorporated entity; or***

***(c) A share or membership in a corporation.***

***2. As used in this section:***

***(a) "Governance interest" means the right under the organic law or organic rules of an entity, other than as a governor, agent, assignee or proxy, to:***

***(1) Receive or demand access to information concerning, or the books and records of, the entity;***

***(2) Vote for the election of the governors of the entity; or***

***(3) Receive notice of or vote on any or all issues involving the internal affairs of the entity.***

***(b) "Transferable interest" means the right under an entity's organic law to receive distributions from the entity.***

Sec. 13. ***"Interest holder" means a direct holder of an interest.***

Sec. 14. ***"Jurisdiction of organization," with respect to an entity, means the jurisdiction whose law includes the organic law of the entity.***

Sec. 15. ***"Noncommercial registered agent" means a person that is not listed as a commercial registered agent under section*** ~~32~~ ***of this act and that is:***

***1. An individual or a domestic or foreign entity that serves in this State as the agent for service of process of an entity; or***

***2. The individual who holds the office or other position in an entity that is designated as the agent for service of process pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section*** ~~31~~ ***of this act.***

Sec. 16. ***"Nonqualified foreign entity" means a foreign entity that is not authorized to transact business in this State pursuant to a filing with the Secretary of State.***

Sec. 17. ***"Nonresident LLP statement" means:***

***1. A certificate of registration of a domestic registered limited-liability partnership that does not have an office in this State; or***

***2. The foreign qualification filing of a foreign registered limited-liability partnership that does not have an office in this State.***

Sec. 18. ***"Organic law" means the statutes, if any, other than this chapter, governing the internal affairs of an entity.***

Sec. 19. ***"Organic rules" means the public organic document and private organic rules of an entity. As used in this section, "private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all of its interest holders and are not part of its public organic document, if any.***

Sec. 20. ***"Person" means an individual, corporation, estate, trust, partnership, limited-liability company, business or similar trust, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.***

Sec. 21. ***"Public organic document" means the public record the filing of which creates an entity, and any amendment to or restatement of that record.***

Sec. 22. ***"Qualified foreign entity" means a foreign entity that is authorized to transact business in this State pursuant to a filing with the Secretary of State.***

Sec. 23. ***"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.***

Sec. 24. ***"Registered agent" means a commercial registered agent or a noncommercial registered agent.***

Sec. 25. ***"Registered agent filing" means:***

***1. The public organic document of a domestic filing entity;***

***2. A nonresident LLP statement;***

***3. A foreign qualification document;***

***4. An appointment of agent; or***

***5. Any other filing with the Secretary of State under an entity's organic law that must include the information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

Sec. 26. ***"Represented entity" means:***

***1. A domestic filing entity;***

***2. A domestic or qualified foreign limited-liability partnership that does not have an office in this State;***

***3. A qualified foreign entity;***

***4. A domestic or foreign unincorporated nonprofit association for which an appointment of agent has been filed;***

***5. A domestic entity that is not a filing entity for which an appointment of agent has been filed; or***

***6. A nonqualified foreign entity for which an appointment of agent has been filed.***

Sec. 27. ***"Sign" means, with present intent to authenticate or adopt a record:***

***1. To execute or adopt a tangible symbol; or***

***2. To attach to or logically associate with the record an electronic sound, symbol or process.***

Sec. 28. ***"Type," with respect to an entity, means a generic form of entity:***

***1. Recognized at common law; or***

***2. Organized under an organic law, whether or not some entities organized under that organic law are subject to provisions of that law that create different categories of the form of entity.***

Sec. 29. ***1. The Secretary of State shall collect the following fees when a filing is made under this chapter:***

***(a) For a commercial registered agent listing statement, $75.***

***(b) For a commercial registered agent termination statement, $100.***

***(c) For a statement of change, $60.***

***(d) For a statement of resignation, $100 for the first entity listed on the statement of resignation and $1 for each additional entity listed on the statement of resignation.***

***(e) For a statement appointing an agent for service of process, $60.***

***2. The Secretary of State shall collect the following fees for copying and certifying a copy of any document filed under this chapter:***

***(a) For copying any document, $2 per page.***

***(b) For certifying a copy of any document, $30.***

Sec. 29.5. ***1. Each record filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.***

***2. The Secretary of State may refuse to file a record which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the record.***

***3. If the provisions on the form prescribed by the Secretary of State conflict with the provisions of any record that is submitted for filing with the form:***

***(a) The provisions of the form control for all purposes with respect to information that is required by statute to appear in the record in order for the record to be filed; and***

***(b) Unless otherwise provided in the record, the provisions of the record control in every other situation.***

***4. The Secretary of State may by regulation provide for the electronic filing of records with the Office of the Secretary of State.***

Sec. 30. ***Whenever a provision of this chapter other than paragraph (d) of subsection 1 of section 37 of this act requires that a filing state an address, the filing must state:***

***1. An actual street address or rural route box number in this State; and***

***2. A mailing address in this State, if different from the address under subsection 1.***

Sec. 31. ***1. A registered agent filing must state:***

***(a) The name of the represented entity's commercial registered agent; or***

***(b) If the entity does not have a commercial registered agent:***

***(1) The name and address of the entity's noncommercial registered agent; or***

***(2) The title of an office or other position with the entity if service of process is to be sent to the person holding that office or position, and the address of the business office of that person.***

***2. The appointment of a registered agent pursuant to paragraph (a) or (b) of subsection 1*** ~~*[is an affirmation by the represented entity that the agent has consented to serve as such.]*~~ ***must be accompanied by a certificate of acceptance of the appointment by the registered agent.***

Sec. 32. ***1. An individual or a domestic or foreign entity may become listed as a commercial registered agent by filing with the Secretary of State***

***a commercial registered agent listing statement signed by or on behalf of the person which states:***

***(a) The name of the individual or the name, type and jurisdiction of organization of the entity;***

***(b) That the person is in the business of serving as a commercial registered agent in this State; and***

***(c) The address of a place of business of the person in this State to which service of process and other notice and documents being served on or sent to entities represented by it may be delivered.***

***2. If the name of a person filing a commercial registered agent listing statement is not distinguishable on the records of the Secretary of State from the name of another commercial registered agent listed under this section, the person must adopt a fictitious name that is distinguishable and use that name in its statement and when it does business in this State as a commercial registered agent. For the purposes of this subsection, a proposed name is not distinguishable from another name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name or any combination of these. The Secretary of State may adopt regulations that interpret the requirements of this subsection.***

***3. A commercial registered agent listing statement takes effect on filing.***

***4. The Secretary of State shall note the filing of the commercial registered agent listing statement in the index of filings maintained by the Secretary of State for each entity represented by the registered agent at the time of the filing. The statement has the effect of deleting the address of the registered agent from the registered agent filing of each of those entities.***

Sec. 33. ***1. A commercial registered agent may terminate its listing as a commercial registered agent by filing with the Secretary of State a commercial registered agent termination statement signed by or on behalf of the agent which states:***

***(a) The name of the agent as currently listed under section 32 of this act; and***

***(b) That the agent is no longer in the business of serving as a commercial registered agent in this State.***

***2. A commercial registered agent termination statement takes effect on the 31st day after the day on which it is filed.***

***3. The commercial registered agent shall promptly furnish each entity represented by it with notice in a record of the filing of the commercial registered agent termination statement.***

***4. When a commercial registered agent termination statement takes effect, the registered agent ceases to be an agent for service of process on each entity formerly represented by it. Termination of the listing of a commercial registered agent under this section does not affect any***

***contractual rights a represented entity may have against the agent or that the agent may have against the entity.***

Sec. 34. ***1. A represented entity may change the information currently on file ~~[under subsection 1 of]~~ pursuant to section 31 of this act by filing with the Secretary of State a statement of change signed on behalf of the entity which states:***

***(a) The name of the entity; and***

***(b) The information that is to be in effect as a result of the filing of the statement of change.***

***2. The interest holders or governors of a domestic entity need not approve the filing of:***

***(a) A statement of change under this section; or***

***(b) A similar filing changing the registered agent or registered office of the entity in any other jurisdiction.***

***3. ~~[The appointment of a registered agent pursuant to subsection 1 is an affirmation by the represented entity that the agent has consented to serve as such.]~~ If a filing made pursuant to subsection 1 results in a change of the registered agent of the represented entity, the filing must include the information required pursuant to section 31 of this act.***

***4. A statement of change filed under this section takes effect on filing.***

***5. Instead of using the procedures in this section, a represented entity may change the information currently on file under ~~[subsection 1 of]~~ section 31 of this act by amending its most recent registered agent filing in the manner provided by the laws of this State other than this chapter for amending that filing.***

Sec. 35. ***1. If a noncommercial registered agent changes its name or its address as currently in effect with respect to a represented entity pursuant to ~~[subsection 1 of]~~ section 31 of this act, the agent shall file with the Secretary of State, with respect to each entity represented by the agent, a statement of change signed by or on behalf of the agent which states:***

***(a) The name of the entity;***

***(b) The name and address of the agent as currently in effect with respect to the entity;***

***(c) If the name of the agent has changed, its new name; and***

***(d) If the address of the agent has changed, the new address.***

***2. A statement of change filed under this section takes effect on filing.***

***3. A noncommercial registered agent shall promptly furnish the represented entity with notice in a record of the filing of a statement of change and the changes made by the filing.***

Sec. 36. ***1. If a commercial registered agent changes its name, its address as currently listed under subsection 1 of section 32 of this act or its type or jurisdiction of organization, the agent shall file with the Secretary of State a statement of change signed by or on behalf of the agent which states:***

***(a) The name of the agent as currently listed under subsection 1 of section 32 of this act;***

***(b) If the name of the agent has changed, its new name;***

***(c) If the address of the agent has changed, the new address; and***

***(d) If the type or jurisdiction of organization of the agent has changed, the new type or jurisdiction of organization.***

***2. The filing of a statement of change under subsection 1 is effective to change the information regarding the commercial registered agent with respect to each entity represented by the agent.***

***3. A statement of change filed under this section takes effect on filing.***

***4. A commercial registered agent shall promptly furnish each entity represented by it with notice in a record of the filing of a statement of change relating to the name or address of the agent and the changes made by the filing.***

***5. If a commercial registered agent changes its address without filing a statement of change as required by this section, the Secretary of State may cancel the listing of the agent under section 32 of this act. A cancellation under this subsection has the same effect as a termination under section 33 of this act. Promptly after cancelling the listing of an agent, the Secretary of State shall serve notice in a record on the:***

***(a) Governors of each entity represented by the agent, stating that the agent has ceased to be an agent for service of process on the entity and that, until the entity appoints a new registered agent, service of process may be made in the manner provided by NRS 14.030; and***

***(b) Agent, stating that the listing of the agent has been cancelled under this section.***

Sec. 37. ***1. A registered agent may resign at any time with respect to a represented entity by filing with the Secretary of State a statement of resignation signed by or on behalf of the agent which states:***

***(a) The name of the entity;***

***(b) The name of the agent;***

***(c) That the agent resigns from serving as agent for service of process for the entity; and***

***(d) The name and address of the person to which the agent will send the notice required by subsection 3.***

***2. A statement of resignation takes effect on the earlier of the 31st day after the day on which it is filed or the appointment of a new registered agent for the represented entity.***

***3. The registered agent shall promptly furnish the represented entity with notice in a record of the date on which a statement of resignation was filed.***

***4. When a statement of resignation takes effect, the registered agent ceases to have responsibility for any matter tendered to it as agent for the represented entity. A resignation under this section does not affect any***

***contractual rights the entity may have against the agent or that the agent may have against the entity.***

***5. A registered agent may resign with respect to a represented entity whether or not the entity is in good standing.***

Sec. 38. ***1. A domestic entity that is not a filing entity or a nonqualified foreign entity may file with the Secretary of State a statement appointing an agent for service of process signed on behalf of the entity which*** ~~*[states:]*~~ ***includes, without limitation:***

***(a) The name, type and jurisdiction of organization of the entity; and***

***(b) The information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31*** ~~*[.]*~~ ***of this act.***

***2. A statement appointing an agent for service of process takes effect on filing.***

***3. The appointment of a registered agent under this section does not qualify a nonqualified foreign entity to do business in this State and is not sufficient alone to create personal jurisdiction over the nonqualified foreign entity in this State.***

***4. A statement appointing an agent for service of process may not be rejected for filing because the name of the entity filing the statement is not distinguishable on the records of the Secretary of State from the name of another entity appearing in those records. The filing of a statement appointing an agent for service of process does not make the name of the entity filing the statement unavailable for use by another entity.***

***5. An entity that has filed a statement appointing an agent for service of process may cancel the statement by filing a statement of cancellation, which shall take effect upon filing, and must state the name of the entity and that the entity is cancelling its appointment of an agent for service of process in this State. A statement appointing an agent for service of process, which has not been cancelled earlier, is effective for a period of 5 years after the date of filing.***

***6. A statement appointing an agent for service of process for a nonqualified foreign entity terminates automatically on the date the entity becomes a qualified foreign entity.***

Sec. 39. ***A registered agent is an agent of the represented entity authorized to receive service of any process, notice or demand required or permitted by law to be served on the entity.***

Sec. 40. ***The only duties under this chapter required of a registered agent who has complied with this chapter are:***

***1. To forward to the represented entity at the address most recently supplied to the agent by the entity any process, notice or demand that is served on the agent;***

***2. To provide the notices required by this chapter to the entity at the address most recently supplied to the agent by the entity;***

***3. If the agent is a noncommercial registered agent, to keep current the information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act in the most recent registered agent filing for the entity; and***

***4. If the agent is a commercial registered agent, to keep current the information listed for it under subsection 1 of section 32 of this act.***

***Sec. 40.2. 1. If a registered agent knows or reasonably should know that the entity for which he is the registered agent engages in any business activity that is regulated pursuant to chapter 604A or 675 of NRS and the registered agent or a subsidiary or affiliate of the registered agent performs any service for the represented entity other than:***

***(a) Delivering documents for filing to state or local governmental entities;***

***(b) Forwarding unopened mail;***

***(c) Any service described in section 40 of this act;***

***(d) Accounting services incidental to the formation of the entity for which he serves as registered agent provided in accordance with chapter 628 of NRS; or***

***(e) Legal services incidental to the formation of the entity for which he serves as registered agent if he is an attorney who is licensed to practice law in this State or performs such services under the supervision of an attorney who is licensed to practice law in this State,***

***↳ the registered agent shall verify with the Division of Financial Institutions of the Department of Business and Industry that the person is licensed pursuant to chapter 604A or 675 of NRS, as applicable.***

***2. If a registered agent determines pursuant to subsection 1 that the represented entity is not licensed as required pursuant to chapter 604A or 675 of NRS, the registered agent shall notify the Commissioner of Financial Institutions.***

***3. A registered agent who accepts an appointment to act as the registered agent for a represented entity whom the registered agent knows or reasonably should know engages in business activities which are regulated pursuant to chapter 604A or 675 of NRS shall not perform any financial transactions on behalf of the represented entity in his capacity as registered agent.***

***Sec. 40.4. 1. If the Commissioner of Financial Institutions determines, after investigation, that a represented entity of a registered agent has failed to comply with the provisions of chapter 604A or 675 of NRS, the Commissioner may issue an order to the registered agent to cease and refrain from providing all services for the represented entity other than those services set forth in section 40 of this act.***

***2. A registered agent who receives an order pursuant to subsection 1 shall immediately notify the represented entity. The represented entity shall be deemed to have received the order on the date that it is received by the registered agent.***

***3. Any contract between a registered agent, its subsidiary or affiliate and the represented entity entered into on or after July 1, 2007, shall be deemed to include a provision that provides for the termination of the contract or agreement without liability to the registered agent, its subsidiary or affiliate, upon the issuance of an order issued pursuant to this section, except for any agreement for the provision of the services set forth in section 40 of this act. Any provision of a contract which conflicts with this subsection is void. Failure to include such a provision in a contract is not a defense in an action brought to enforce or terminate the contract.***

***4. An order issued pursuant to subsection 1 is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS. A registered agent shall comply with any such order pending judicial review.***

***5. If the Commissioner of Financial Institutions finds that a registered agent has failed to comply with an order issued pursuant to this section, the Commissioner may impose an administrative fine of not more than $1,000 upon the registered agent. Any fine collected pursuant to this section must be deposited with the State Treasurer for credit to the State General Fund.***

***Sec. 40.6. 1. The Secretary of State may adopt such regulations as he deems necessary to carry out and ensure compliance with the provisions of this chapter and any other provision of law which governs the conduct of registered agents.***

***2. Upon application of the Secretary of State, the district court may enjoin any person from serving as a registered agent or as an officer, director or managing agent of a registered agent if the court finds that:***

***(a) The registered agent failed to comply with any provision of law governing the conduct of registered agents after reasonable notice and an opportunity to correct the failure; or***

***(b) The registered agent engaged in conduct in his capacity as registered agent that was intended to deceive or defraud the public or to promote illegal activities.***

Sec. 41. ***The appointment or maintenance in this State of a registered agent does not by itself create the basis for personal jurisdiction over the represented entity in this State. The address of the agent does not determine venue in an action or proceeding involving the entity.***

Sec. 42. ***In applying and construing this chapter, consideration must be given to the need to promote consistency of the law with respect to its subject matter among states that enact it.***

Sec. 43. ***This chapter modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).***

***Sec. 43.5.*** **Chapter 78 of NRS is hereby amended by adding thereto a new section to read as follows:**

***1. On application to a court of competent jurisdiction by a judgment creditor of a stockholder, the court may charge the stockholder's stock with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the stockholder's stock.***

***2. This section:***

***(a) Applies only to a corporation that:***

***(1) Has more than 1 but fewer than 75 stockholders of record at any time.***

***(2) Is not a subsidiary of a publicly traded corporation, either in whole or in part.***

***(3) Is not a professional corporation, as defined in NRS 89.020.***

***(b) Does not apply to any liability of a stockholder that exists as the result of an action filed before July 1, 2007.***

***(c) Provides the exclusive remedy by which a judgment creditor of a stockholder or an assignee of a stockholder may satisfy a judgment out of the stockholder's stock of the corporation.***

***(d) Does not deprive any stockholder of the benefit of any exemption applicable to the stockholder's stock.***

***(e) Does not supersede any private agreement between a stockholder and a creditor.***

Sec. 44. NRS 78.010 is hereby amended to read as follows:

78.010 1. As used in this chapter:

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

(b) "Articles," "articles of incorporation" and "certificate of incorporation" are synonymous terms and, unless the context otherwise requires, include all certificates filed pursuant to NRS 78.030, 78.180, 78.185, 78.1955, 78.209, 78.380, 78.385, 78.390, 78.725 and 78.730 and any articles of merger, conversion, exchange or domestication filed pursuant to NRS 92A.200 to 92A.240, inclusive, or 92A.270. Unless the context otherwise requires, these terms include restated articles and certificates of incorporation.

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

(d) ***"Principal office" means the office, in or out of this State, where the principal executive offices of a domestic or foreign corporation are located.***

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

[(e)] ***(f)*** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(f)]~~ ***(g) "Registered agent" has the meaning ascribed to it in section 24 of this act.***

***(h)*** "Registered office" means the office maintained at the street address of the ~~[resident agent.~~

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

~~(h)]~~ ***registered agent.***

***(i)*** "Sign" means to affix a signature to a record.

~~[(i)]~~ ***(j)*** "Signature" means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself and adopt or accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

~~[(j)]~~ ***(k)*** "Stockholder of record" means a person whose name appears on the stock ledger of the corporation.

~~[(k)]~~ ***(l)*** "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

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

Sec. 45. NRS 78.030 is hereby amended to read as follows:

78.030 1. One or more persons may establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, pursuant and subject to the requirements of this chapter, by ~~[:~~

~~(a) Signing]~~ ***signing*** and filing in the Office of the Secretary of State articles of incorporation **.** ~~[; and~~

~~(b) Filing a certificate of acceptance of appointment, signed by the resident agent of the corporation, in the Office of the Secretary of State.]~~

2. The articles of incorporation must be as provided in NRS 78.035, and the Secretary of State shall require them to be in the form prescribed. If any articles are defective in this respect, the Secretary of State shall return them for correction.

Sec. 46. NRS 78.035 is hereby amended to read as follows:

78.035 The articles of incorporation must set forth:

1. The name of the corporation. A name appearing to be that of a natural person and containing a given name or initials must not be used as a corporate name except with an additional word or words such as "Incorporated," "Limited," "Inc.," "Ltd.," "Company," "Co.," "Corporation," "Corp.," or other word which identifies it as not being a natural person.

2. The ~~[name of the person designated as the corporation's resident agent, the street address of the resident agent where process may be served upon the corporation, and the mailing address of the resident agent if different from the street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

3. The number of shares the corporation is authorized to issue and, if more than one class or series of stock is authorized, the classes, the series and the number of shares of each class or series which the corporation is authorized to issue, unless the articles authorize the board of directors to fix and determine in a resolution the classes, series and numbers of each class or series as provided in NRS 78.195 and 78.196.

4. The names and addresses, either residence or business, of the first board of directors or trustees, together with any desired provisions relative to the right to change the number of directors as provided in NRS 78.115.

5. The name and address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 47. NRS 78.050 is hereby amended to read as follows:

78.050 1. Upon the filing of the articles of incorporation ~~[and the certificate of acceptance]~~ pursuant to NRS 78.030 ~~[,]~~ and the payment of the filing fees, the Secretary of State shall issue to the corporation a certificate that the articles, containing the required statement of facts, have been filed. From the date the articles are filed, the corporation is a body corporate, by the name set forth in the articles of incorporation, subject to the forfeiture of its charter or dissolution as provided in this chapter.

2. Neither an incorporator nor a director designated in the articles of incorporation thereby becomes a subscriber or stockholder of the corporation.

3. The filing of the articles of incorporation does not, by itself, constitute commencement of business by the corporation.

Sec. 48. NRS 78.090 is hereby amended to read as follows:

78.090 1. ~~[Except during any period of vacancy described in NRS 78.097, every]~~ ***Every*** corporation must have a ~~[resident]~~ ***registered*** agent who resides or is located in this State. ~~[Every resident]~~ ***Notwithstanding the provisions of section 30 of this act, each registered*** agent must have a street address for ~~[the]~~ ***receiving*** service of process, ~~[and]~~ ***which is the registered office of the corporation in this State. If the registered agent is in the business of acting as a registered agent for more than one business entity, the physical street address of the registered office must be in a location for which such use is not prohibited by any local ordinance. The registered agent*** may have a separate mailing address such as a post office box, which may be different from the street address. ~~[The street address of the resident agent is the registered office of the corporation in this State.]~~

2. If the ~~[resident]~~ ***registered*** agent is a bank or corporation, it may:

(a) Act as the fiscal or transfer agent of any state, municipality, body politic or corporation and in that capacity may receive and disburse money.

(b) Transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and act as agent of any corporation, foreign or domestic, for any purpose required by statute, or otherwise.

(c) Act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and accept and execute any other municipal or corporate trust not inconsistent with the laws of this State.

(d) Receive and manage any sinking fund of any corporation, upon such terms as may be agreed upon between the corporation and those dealing with it.

3. Every corporation organized pursuant to this chapter which fails or refuses to comply with the requirements of this section is subject to a fine of not less than $100 nor more than $500, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

4. All legal process and any demand or notice authorized by law to be served upon a corporation may be served upon the ~~[resident]~~ ***registered*** agent of the corporation in the manner provided in subsection 2 of NRS 14.020. If any demand, notice or legal process, other than a summons and complaint, cannot be served upon the ~~[resident]~~ ***registered*** agent, it may be served in the manner provided in NRS 14.030. These manners and modes of service are in addition to any other service authorized by law.

Sec. 49. NRS 78.097 is hereby amended to read as follows:

78.097 1. ~~[A resident agent who desires to resign shall file with the Secretary of State a signed statement, on a form provided by the Secretary of State, for each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that he is unwilling to continue to act as the resident agent of the artificial person for the service of process. The fee for filing a statement of resignation is $100 for the first artificial person for whom the resident agent is unwilling to continue to act as the agent and $1 for each additional artificial person listed on the statement of resignation. A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected corporation appointing a successor resident agent for that corporation. A certificate of acceptance signed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.~~

~~4.]~~ If a ~~[resident agent dies, resigns or removes from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the corporation, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or***

***termination,*** shall file with the Secretary of State a ~~[certificate of acceptance signed by the new resident agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as a post office box, which may be different from the street address.~~

~~5.]~~ ***statement of change of registered agent pursuant to section 34 of this act.***

***2.*** A corporation that fails to ~~[file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent]~~ ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 78.170 and 78.175.

***3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.***

***Sec. 49.5.*** **NRS 78.105 is hereby amended to read as follows:**

78.105 1. A corporation shall keep a copy of the following records at its registered office:

(a) A copy certified by the Secretary of State of its articles of incorporation, and all amendments thereto;

(b) A copy certified by an officer of the corporation of its bylaws and all amendments thereto; and

(c) A stock ledger or a duplicate stock ledger, revised annually, containing the names, alphabetically arranged, of all persons who are stockholders of the corporation, showing their places of residence, if known, and the number of shares held by them respectively. In lieu of the stock ledger or duplicate stock ledger, the corporation may keep a statement setting out the name of the custodian of the stock ledger or duplicate stock ledger, and the present and complete mailing or street address where the stock ledger or duplicate stock ledger specified in this section is kept.

2. ***A stock ledger, duplicate stock ledger or statement setting out the name of the custodian of the stock ledger or duplicate stock ledger described in paragraph (c) of subsection 1 must be maintained by the registered agent of the corporation for 3 years following the resignation or termination of the registered agent or the dissolution of the corporation by the Secretary of State.***

***3.*** Any person who has been a stockholder of record of a corporation for at least 6 months immediately preceding his demand, or any person holding, or thereunto authorized in writing by the holders of, at least 5 percent of all of its outstanding shares, upon at least 5 days' written demand is entitled to inspect in person or by agent or attorney, during usual business hours, the records required by subsection 1 and make copies therefrom. Holders of voting trust certificates representing shares of the corporation must be regarded as stockholders for the purpose of this subsection. Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of $25 for every day of such neglect or refusal.

~~[3.]~~ ***4.*** If any corporation willfully neglects or refuses to make any proper entry in the stock ledger or duplicate copy thereof, or neglects or refuses to permit an inspection of the records required by subsection 1 upon demand by a person entitled to inspect them, or refuses to permit copies to be made therefrom, as provided in subsection ~~[2,]~~ ***3,*** the corporation is liable to the person injured for all damages resulting to him therefrom.

~~[4.]~~ ***5.*** When the corporation keeps a statement in the manner provided for in paragraph (c) of subsection 1, the information contained thereon must be given to any stockholder of the corporation demanding the information, when the demand is made during business hours. Every corporation that neglects or refuses to keep a statement available, as in this subsection required, shall forfeit to the State the sum of $25 for every day of such neglect or refusal.

~~[5.]~~ ***6.*** In every instance where an attorney or other agent of the stockholder seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the stockholder authorizing the attorney or other agent to inspect on behalf of the stockholder.

~~[6.]~~ ***7.*** The right to copy records under subsection ~~[2]~~ ***3*** includes, if reasonable, the right to make copies by photographic, xerographic or other means.

~~[7.]~~ ***8.*** The corporation may impose a reasonable charge to recover the costs of labor and materials and the cost of copies of any records provided to the stockholder.

Sec. 50. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized pursuant to the laws of this State shall, on or before the last day of the first month after the filing of its articles of incorporation with the Secretary of State, file with the Secretary of State a list, on a form furnished by him, containing:

(a) The name of the corporation;

(b) The file number of the corporation, if known;

(c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;

(d) The address, either residence or business, of each officer and director listed, following the name of the officer or director;

(e) The ~~[name and address of the lawfully designated resident agent of the corporation in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of an officer of the corporation certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year, file with the Secretary of State, on a form furnished by him, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

(a) A declaration under penalty of perjury that the corporation:

(1) Has complied with the provisions of NRS 360.780; and

(2) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

(b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on his Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of $125.

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

| | |
|---|---|
| $75,000 or less | $125 |
| Over $75,000 and not over $200,000 | 175 |
| Over $200,000 and not over $500,000 | 275 |
| Over $500,000 and not over $1,000,000 | $375 |
| Over $1,000,000: | |
| For the first $1,000,000 | 375 |
| For each additional $500,000 or fraction thereof | 275 |

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

5. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, cause to be mailed to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted

pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

Sec. 51. NRS 78.175 is hereby amended to read as follows:

78.175 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation deemed in default pursuant to NRS 78.170. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

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

3. The Secretary of State shall compile a complete list containing the names of all corporations whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation specified in subsection 3 of the forfeiture of its charter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

5. If the charter of a corporation is revoked and the right to transact business is forfeited as provided in subsection 2, all the property and assets of the defaulting domestic corporation must be held in trust by the directors of the corporation as for insolvent corporations, and the same proceedings may be had with respect thereto as are applicable to insolvent corporations. Any person interested may institute proceedings at any time after a forfeiture has been declared, but, if the Secretary of State reinstates the charter, the proceedings must at once be dismissed and all property restored to the officers of the corporation.

6. Where the assets are distributed, they must be applied in the following manner:

(a) To the payment of the filing fee, penalties incurred and costs due the State;

(b) To the payment of the creditors of the corporation; and

(c) Any balance remaining, to distribution among the stockholders.

Sec. 52. NRS 78.180 is hereby amended to read as follows:

78.180 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the corporation its right to carry on business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 78.150; ~~***[and]***~~

(2) The statement required by NRS 78.153, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which it failed to file each required annual list in a timely manner;

(2) The fee set forth in NRS 78.153, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection ~~[8]~~ ***7*** of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 53. NRS 78.275 is hereby amended to read as follows:

78.275 1. The directors may at such times and in such amount, as they may from time to time deem the interest of the corporation to require, levy and collect assessments upon the assessable stock of the corporation in the manner provided in this section.

2. Notice of each assessment must be given to the stockholders personally, or by publication once a week for at least 4 weeks, in some newspaper published in the county in which the ~~[registered office or place of business]~~ ***principal office*** of the corporation is located ~~[,]~~ ***or, if the principal office of the corporation is not located in this State, in Carson City,*** and in a newspaper published in the county wherein the property of the corporation is situated if in this State **.** ~~[, and if no paper is published in either of those counties, then the newspaper published nearest to the registered office in the State.]~~

3. If **,** after the notice has been given, any stockholder defaults in the payment of the assessment upon the shares held by him, so many of those shares may be sold as will be necessary for the payment of the assessment upon all the shares held by him, together with all costs of advertising and expenses of sale. The sale of the shares must be made at the office of the corporation at public auction to the highest bidder, after a notice thereof published for 4 weeks as directed in this section, and a copy of the notice mailed to each delinquent stockholder if his address is known 4 weeks before the sale. At the sale the person who offers to pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares, or portion of a share, as the case may be, shall be deemed the highest bidder.

Sec. 54. NRS 78.345 is hereby amended to read as follows:

78.345 1. If any corporation fails to elect directors within 18 months after the last election of directors required by NRS 78.330, the district court has jurisdiction in equity, upon application of any one or more stockholders holding stock entitling them to exercise at least 15 percent of the voting power, to order the election of directors in the manner required by NRS 78.330.

2. The application must be made by petition filed in the county where the ~~[registered]~~ ***principal*** office of the corporation is located ***or, if the principal office is not located in this State, in Carson City,*** and must be brought on behalf of all stockholders desiring to be joined therein. Such notice must be given to the corporation and the stockholders as the court may direct.

3. The directors elected pursuant to this section have the same rights, powers and duties and the same tenure of office as directors elected by the stockholders at the annual meeting held at the time prescribed therefor, next before the date of the election pursuant to this section, would have had.

Sec. 55. NRS 78.390 is hereby amended to read as follows:

78.390 1. ~~[Every]~~ ***Except as otherwise provided in section 34 of this act, every*** amendment to the articles of incorporation must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and either call a special meeting of the stockholders entitled to vote on the amendment or direct that the proposed amendment be considered at the next annual meeting of the stockholders entitled to vote on the amendment.

(b) At the meeting, of which notice must be given to each stockholder entitled to vote pursuant to the provisions of this section, a vote of the stockholders entitled to vote in person or by proxy must be taken for and against the proposed amendment. If it appears upon the canvassing of the votes that stockholders holding shares in the corporation entitling them to exercise at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have voted in favor of the amendment, an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the Secretary of State.

2. Except as otherwise provided in this subsection, if any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof. The

amendment does not have to be approved by the vote of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the amendment if the articles of incorporation specifically deny the right to vote on such an amendment.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders.

6. A certificate filed pursuant to subsection 1 is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

7. If a certificate filed pursuant to subsection 1 specifies an effective date and if the resolution of the stockholders approving the proposed amendment provides that the board of directors may abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective date specified in the certificate filed pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that, pursuant to the resolution of the stockholders, the board of directors is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by an officer of the corporation; and

(f) Is accompanied by a filing fee of $175.

Sec. 56. NRS 78.403 is hereby amended to read as follows:

78.403 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles of incorporation as amended by filing with the Secretary of State a certificate in the manner provided in this section. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 78.380, 78.385 and 78.390, as applicable.

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and state that he has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles of incorporation as amended to the date of the certificate.

3. The following may be omitted from the restated articles:

(a) The names, addresses, signatures and acknowledgments of the incorporators;

(b) The names and addresses of the members of the past and present boards of directors; and

(c) The ~~[name and address of the resident agent.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed subsequent to the restated articles and certified copies of all certificates supplementary to the original articles.

5. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 57. NRS 78.630 is hereby amended to read as follows:

78.630 1. Whenever any corporation becomes insolvent or suspends its ordinary business for want of money to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or stockholders, any creditors holding 10 percent of the outstanding indebtedness, or stockholders owning 10 percent of the outstanding stock entitled to vote, may, by petition setting forth the facts and circumstances of the case, apply to the district court of the county in which the ~~[registered]~~ ***principal*** office of the corporation is located ***or, if the principal office is not located in this State, to the district court in Carson City*** for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If upon such inquiry it appears to the court that the corporation has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or stockholders, so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

Sec. 58. NRS 78.730 is hereby amended to read as follows:

78.730 1. Any corporation which did exist or is existing under the laws of this State may, upon complying with the provisions of NRS 78.180,

procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The ~~[name of the person designated as the resident agent of the corporation, his street address for the service of process, and his mailing address if different from his street address.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer, or the equivalent thereof, and all of its directors and their addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the voting power of the shares.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the stockholders of the corporation. The signing and filing of the certificate must be approved by the written consent of stockholders of the corporation holding at least a majority of the voting power and must contain a recital that this consent was secured. If no stock has been issued, the certificate must contain a statement of that fact, and a majority of the directors then in office may designate the person to sign the certificate. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation therein named.

Sec. 59. NRS 78.750 is hereby amended to read as follows:

78.750 1. In any action commenced against any corporation in any court of this State, service of process may be made in the manner provided by law and rule of court for the service of civil process.

2. Service of process on a corporation whose charter has been revoked or which has been continued as a body corporate pursuant to NRS 78.585 may be made by mailing copies of the process and any associated records by certified mail, with return receipt requested, to:

(a) The ~~[resident]~~ ***registered*** agent of the corporation, if there is one; and

(b) Each officer and director of the corporation as named in the list last filed with the Secretary of State before the dissolution or expiration of the corporation or the forfeiture of its charter.

➥ The manner of serving process described in this subsection does not affect the validity of any other service authorized by law.

Sec. 60. NRS 78.785 is hereby amended to read as follows:

78.785 1. ~~[The fee for filing a certificate of change of location of a corporation's registered office and resident agent, or a new designation of resident agent, is $60.~~

~~2.]~~ The fee for certifying a copy of articles of incorporation is $30.

~~[3.]~~ ***2.*** The fee for certifying a copy of an amendment to articles of incorporation, or to a copy of the articles as amended, is $30.

~~[4.]~~ ***3.*** The fee for certifying an authorized printed copy of the general corporation law as compiled by the Secretary of State is $30.

~~[5.]~~ ***4.*** The fee for reserving a corporate name is $25.

~~[6.]~~ ***5.*** The fee for signing a certificate of corporate existence which does not list the previous records relating to the corporation, or a certificate of change in a corporate name, is $50.

~~[7.]~~ ***6.*** The fee for signing a certificate of corporate existence which lists the previous records relating to the corporation is $50.

~~[8.]~~ ***7.*** The fee for signing, certifying or filing any certificate or record not provided for in NRS 78.760 to 78.785, inclusive, is $50.

~~[9.]~~ ***8.*** The fee for copies provided by the Office of the Secretary of State is $2 per page.

~~[10.]~~ ***9.*** The fees for filing articles of incorporation, articles of merger, or certificates of amendment increasing the basic surplus of a mutual or reciprocal insurer must be computed pursuant to NRS 78.760, 78.765 and 92A.210, on the basis of the amount of basic surplus of the insurer.

~~[11.]~~ ***10.*** The fee for examining and provisionally approving any record at any time before the record is presented for filing is $125.

Sec. 61. NRS 78.795 is hereby amended to read as follows:

78.795 1. Any natural person or corporation residing or located in this State may register for that calendar year his willingness to serve as the ~~[resident]~~ ***registered*** agent of a domestic or foreign corporation, limited-liability company or limited partnership with the Secretary of State. The registration must state the full, legal name of the person or corporation willing to serve as the ~~[resident]~~ ***registered*** agent and be accompanied by a fee of $500 per office location of the ~~[resident]~~ ***registered*** agent.

2. The Secretary of State shall maintain a list of those persons who are registered pursuant to subsection 1 and make the list available to persons seeking to do business in this State.

3. The Secretary of State may amend any information provided in the list if a person who is included in the list:

(a) Requests the amendment; and

(b) Pays a fee of $50.

4. The Secretary of State may adopt regulations prescribing the content, maintenance and presentation of the list.

Sec. 62. NRS 80.004 is hereby amended to read as follows:

80.004 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 63. NRS 80.010 is hereby amended to read as follows:

80.010 1. Before commencing or doing any business in this State, each corporation organized pursuant to the laws of another state, territory, the District of Columbia, a possession of the United States or a foreign country that enters this State to do business must:

(a) File in the Office of the Secretary of State of this State:

(1) A certificate of corporate existence issued not more than 90 days before the date of filing by an authorized officer of the jurisdiction of its incorporation setting forth the filing of records and instruments related to the articles of incorporation, or the governmental acts or other instrument or authority by which the corporation was created. If the certificate is in a language other than English, a translation, together with the oath of the translator and his attestation of its accuracy, must be attached to the certificate.

(2) ~~[A certificate of acceptance of appointment signed by its resident agent, who must be a resident or located in this State. The certificate must set forth the name of the resident agent, his street address for the service of process, and his mailing address if different from his street address.]~~ ***The information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.*** The street address of the ~~[resident]~~ ***registered*** agent is the registered office of the corporation in this State.

(3) A statement signed by an officer of the corporation setting forth:

(I) A general description of the purposes of the corporation; and

(II) The authorized stock of the corporation and the number and par value of shares having par value and the number of shares having no par value.

(b) Lodge in the Office of the Secretary of State a copy of the record most recently filed by the corporation in the jurisdiction of its incorporation setting forth the authorized stock of the corporation, the number of par-value shares and their par value, and the number of no-par-value shares.

2. The Secretary of State shall not file the records required by subsection 1 for any foreign corporation whose name is not distinguishable on the

records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title, unless the written, acknowledged consent of the holder of the name on file or reserved name to use the same name or the requested similar name accompanies the articles of incorporation.

3. For the purposes of this section and NRS 80.012, a proposed name is not distinguishable from a name on file or reserved solely because one or the other names contains distinctive lettering, a distinctive mark, a trademark or trade name, or any combination thereof.

4. The name of a foreign corporation whose charter has been revoked, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless the State Board of Professional Engineers and Land Surveyors certifies that:

(a) The principals of the corporation are licensed to practice engineering pursuant to the laws of this State; or

(b) The corporation is exempt from the prohibitions of NRS 625.520.

6. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if it appears from the records that the business to be carried on by the corporation is subject to supervision by the Commissioner of Financial Institutions, unless the Commissioner certifies that:

(a) The corporation has obtained the authority required to do business in this State; or

(b) The corporation is not subject to or is exempt from the requirements for obtaining such authority.

7. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the foreign corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the foreign corporation is not engaged in the practice of accounting and is not offering to practice accounting in this State.

8. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 64. NRS 80.060 is hereby amended to read as follows:

80.060 Every foreign corporation owning property or doing business in this State shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent as provided in NRS 14.020.

Sec. 65. NRS 80.070 is hereby amended to read as follows:

80.070 1. ~~[A foreign corporation may change its resident agent by filing with the Secretary of State:~~

~~(a) A certificate of change of resident agent, signed by an officer of the corporation, setting forth:~~

~~(1) The name of the corporation;~~

~~(2) The name and street address of the present resident agent; and~~

~~(3) The name and street address of the new resident agent; and~~

~~(b) A certificate of acceptance signed by the new resident agent, which must be a part of or attached to the certificate of change of resident agent.~~

~~2. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:~~

~~(a) File with the Secretary of State a certificate of name change of resident agent that includes:~~

~~(1) The current name of the resident agent as filed with the Secretary of State;~~

~~(2) The new name of the resident agent; and~~

~~(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and~~

~~(b) Pay to the Secretary of State a filing fee of $100.~~

~~3. A change authorized by subsection 1 or 2 becomes effective upon the filing of the proper certificate of change.~~

~~4. A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the corporation for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~5. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation is not accompanied by a statement of the corporation appointing a successor resident agent, the resigning resident agent shall give written notice, by mail, to the corporation, of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.~~

~~6.]~~ If a ~~[resident agent dies, resigns or moves from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if a commercial***

***registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the corporation, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a ~~[certificate of acceptance signed by the new resident agent. The certificate must set forth the name of the new resident agent, his street address for the service of process, and his mailing address if different from his street address.~~

~~7.]~~ ***statement of change of registered agent pursuant to section 34 of this act.***

***2.*** A corporation that fails to ~~[file a certificate of acceptance signed by a new resident agent within 30 days after the death, resignation or removal of its resident agent]~~ ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 80.150 and 80.160.

***3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.***

Sec. 66. NRS 80.090 is hereby amended to read as follows:

80.090 If a foreign corporation doing business in this State maintains and keeps in the State a ~~[resident]~~ ***registered*** agent as provided by NRS 80.060 and files or has microfilmed the papers, records and instruments required by NRS 80.010 to 80.040, inclusive, the foreign corporation is entitled to the benefit of the laws of this State limiting the time for the commencement of civil actions.

Sec. 67. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the filing of its certificate of corporate existence with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors;

(b) The ~~[name and street address of the lawfully designated resident agent of the corporation in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(c) The signature of an officer of the corporation.

~~[2.]~~

***2.*** Each list filed pursuant to ~~[this]~~ subsection ***1*** must be accompanied by ~~[a]~~ ***:***

***(a) A*** declaration under penalty of perjury that the foreign corporation has complied with the provisions of NRS 360.780 and which acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State. ~~[Each list filed pursuant to this subsection must also be accompanied by a]~~

***(b) A*** statement as to whether the ***foreign*** corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation

must list its Central Index Key. The Secretary of State shall include on his Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

~~[2.]~~ ***3.*** Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

| | |
|---|---|
| $75,000 or less | $125 |
| Over $75,000 and not over $200,000 | 175 |
| Over $200,000 and not over $500,000 | 275 |
| Over $500,000 and not over $1,000,000 | 375 |
| Over $1,000,000: | |
| For the first $1,000,000 | 375 |
| For each additional $500,000 or fraction thereof | 275 |

➥ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is $11,100.

~~[3.]~~ ***4.*** If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of $75 to file the resignation.

~~[4.]~~ ***5.*** The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

~~[5.]~~ ***6.*** An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 68. NRS 80.160 is hereby amended to read as follows:

80.160 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation deemed in default pursuant to NRS 80.150. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of incorporation occurs, the Secretary of State shall compile a complete

list containing the names of all corporations whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation specified in subsection 2 of the forfeiture of its right to do business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 69. NRS 80.170 is hereby amended to read as follows:

80.170 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list as provided in NRS 80.110 and 80.140; ~~[*and*]~~

(2) The statement required by NRS 80.115, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 80.110 and 80.150 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 80.115, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection ~~[8]~~ ***7*** of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 70. NRS 81.0025 is hereby amended to read as follows:

81.0025 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 71. NRS 81.040 is hereby amended to read as follows:

81.040 Each corporation formed under NRS 81.010 to 81.160, inclusive, must prepare and file articles of incorporation in writing, setting forth:

1. The name of the corporation.

2. The purpose for which it is formed.

3. The ~~[name of the person designated as the resident agent, the street address for the service of process, and the mailing address if different from the street address.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

4. The term for which it is to exist, which may be perpetual.

5. If formed with stock, the amount of its stock and the number and par value, if any, and the shares into which it is divided, and the amount of common and of preferred stock that may be issued with the preferences, privileges, voting rights, restrictions and qualifications pertaining thereto.

6. The names and addresses of those selected to act as directors, not less than three, for the first year or until their successors have been elected and have accepted office.

7. Whether the property rights and interest of each member are equal or unequal, and if unequal the articles must set forth a general rule applicable to all members by which the property rights and interests of each member may be determined, but the corporation may admit new members who may vote and share in the property of the corporation with the old members, in accordance with the general rule.

8. The name and mailing or street address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 72. NRS 81.060 is hereby amended to read as follows:

81.060 1. The articles of incorporation must be:

(a) Signed by three or more of the original members, a majority of whom must be residents of this State.

(b) Filed ~~[, together with a certificate of acceptance of appointment signed by the resident agent of the corporation,]~~ in the Office of the Secretary of State in all respects in the same manner as other articles of incorporation are filed.

2. If a corporation formed under NRS 81.010 to 81.160, inclusive, is authorized to issue stock, there must be paid to the Secretary of State for filing the articles of incorporation the fee applicable to the amount of authorized stock of the corporation which the Secretary of State is required by law to collect upon the filing of articles of incorporation which authorize the issuance of stock.

3. The Secretary of State shall issue to the corporation over the Great Seal of the State a certificate that a copy of the articles containing the required statements of facts has been filed in his office.

4. Upon the issuance of the certificate by the Secretary of State, the persons signing the articles and their associates and successors are a body politic and corporate. When so filed, the articles of incorporation or certified copies thereof must be received in all the courts of this State, and other places, as prima facie evidence of the facts contained therein.

Sec. 73. NRS 81.200 is hereby amended to read as follows:

81.200 1. Each association formed under NRS 81.170 to 81.270, inclusive, shall prepare articles of association in writing, setting forth:

(a) The name of the association.

(b) The purpose for which it is formed.

(c) The ~~[name of the person designated as the resident agent, the street address for service of process, and the mailing address if different from the street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

(d) The term for which it is to exist, which may be perpetual.

(e) The names and addresses, either residence or business, of the directors selected for the first year.

(f) The amount which each member is to pay upon admission as a fee for membership, and that each member signing the articles has actually paid the fee.

(g) That the interest and right of each member therein is to be equal.

(h) The name and address, either residence or business, of each of the persons signing the articles of association.

2. The articles of association must be signed by the original associates or members.

3. The articles so signed must be filed ~~[, together with a certificate of acceptance of appointment signed by the resident agent for the association,]~~ in the Office of the Secretary of State. From the time of the filing in the Office of the Secretary of State, the association may exercise all the powers for which it was formed.

Sec. 74. NRS 81.440 is hereby amended to read as follows:

81.440 Each corporation formed under NRS 81.410 to 81.540, inclusive, shall prepare and file articles of incorporation in writing, setting forth:

1. The name of the corporation.

2. The purpose for which it is formed.

3. The ~~[name of the person designated as the resident agent, the street address for service of process, and the mailing address if different from the street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

4. The term for which it is to exist, which may be perpetual.

5. The number of directors thereof, which must be not less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors have been elected and have accepted office.

6. Whether the voting power and the property rights and interest of each member are equal or unequal, and if unequal the articles must set forth a general rule applicable to all members by which the voting power and the property rights and interests of each member may be determined, but the corporation may admit new members who may vote and share in the property of the corporation with the old members, in accordance with the general rule.

7. The name and mailing or street address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 75. NRS 81.450 is hereby amended to read as follows:

81.450 1. The articles of incorporation must be:

(a) Signed by three or more of the original members, a majority of whom must be residents of this State.

(b) Filed ~~[, together with a certificate of acceptance of appointment signed by the resident agent for the corporation,]~~ in the Office of the Secretary of State in all respects in the same manner as other articles of incorporation are filed.

2. The Secretary of State shall issue to the corporation over the Great Seal of the State a certificate that a copy of the articles containing the required statements of facts has been filed in his office.

3. Upon the issuance of the certificate by the Secretary of State **,** the persons signing the articles and their associates and successors are a body politic and corporate. When so filed, the articles of incorporation or certified copies thereof must be received in all the courts of this State, and other places, as prima facie evidence of the facts contained therein.

Sec. 76. Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

***"Principal office" has the meaning ascribed to it in NRS 78.010.***

Sec. 77. NRS 82.006 is hereby amended to read as follows:

82.006 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 82.011 to 82.044, inclusive, ***and section 76 of this act*** have the meanings ascribed to them in those sections.

Sec. 78. NRS 82.041 is hereby amended to read as follows:

82.041 "Registered office" of a corporation means the office maintained at the street address of its ~~[resident]~~ ***registered*** agent.

Sec. 79. NRS 82.044 is hereby amended to read as follows:

82.044 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 80. NRS 82.063 is hereby amended to read as follows:

82.063 1. The board of directors of a corporation without shares of stock which was organized before October 1, 1991, pursuant to any provision of chapter 81 of NRS or a predecessor statute and whose permissible term of existence as stated in the articles of incorporation has expired, may, within 10 years after the date of the expiration of its existence, elect to revive its charter and accept this chapter by adopting a resolution reviving the expired charter and adopting new articles of incorporation conforming to this chapter and any other statutes pursuant to which the corporation may have been organized. The new articles of incorporation need not contain the names, addresses, signatures or acknowledgments of the incorporators.

2. A certificate of election to accept this chapter pursuant to this section must be signed by an officer of the corporation and must set forth:

(a) The name of the corporation.

(b) A statement by the corporation that it has elected to accept this chapter and adopt new articles of incorporation conforming to the provisions of this

chapter and any other statutes pursuant to which the corporation may have been organized.

(c) A statement by the corporation that since the expiration of its charter it has remained organized and continued to carry on the activities for which it was formed and authorized by its original articles of incorporation and amendments thereto, and desires to continue through revival its existence pursuant to and subject to the provisions of this chapter.

(d) A statement that the attached copy of the articles of incorporation of the corporation are the new articles of incorporation of the corporation.

(e) A statement setting forth the date of the meeting of the board of directors at which the election to accept and adopt was made, that a quorum was present at the meeting and that the acceptance and adoption were authorized by a majority vote of the directors present at the meeting.

***(f) The information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

3. The certificate so signed ~~[and a certificate of acceptance of appointment signed by the resident agent of the corporation]~~ must be filed in the Office of the Secretary of State.

4. The new articles of incorporation become effective on the date of filing the certificate. The corporation's existence continues from the date of expiration of the original term, with all the corporation's rights, franchises, privileges and immunities and subject to all its existing and preexisting debts, duties and liabilities.

Sec. 81. NRS 82.081 is hereby amended to read as follows:

82.081 1. One or more natural persons may associate to establish a corporation no part of the income or profit of which is distributable to its members, directors or officers, except as otherwise provided in this chapter, for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, pursuant and subject to the requirements of this chapter, by ~~[~~:

~~(a) Signing]~~ ***signing*** and filing in the Office of the Secretary of State articles of incorporation **.** ~~[; and~~

~~(b) Filing a certificate of acceptance of appointment, signed by the resident agent of the corporation, in the Office of the Secretary of State.]~~

2. The Secretary of State shall require articles of incorporation to be in the form prescribed by NRS 82.086. If any articles are defective in this respect, the Secretary of State shall return them for correction.

Sec. 82. NRS 82.086 is hereby amended to read as follows:

82.086 The articles of incorporation must set forth:

1. The name of the corporation. A name appearing to be that of a natural person and containing a given name or initials must not be used as a corporate name except with an additional word or words such as "Incorporated," "Inc.," "Limited," "Ltd.," "Company," "Co.," "Corporation," "Corp.," or other word which identifies it as not being a natural person.

2. The ~~[name of the person designated as the corporation's resident agent, his street address where he maintains an office for service of process, and his mailing address if different from the street address.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

3. That the corporation is a nonprofit corporation.

4. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on by the corporation. It is sufficient to state, either alone or with other purposes, that the corporation may engage in any lawful activity, subject to expressed limitations, if any. Such a statement makes all lawful activities within the objects or purposes of the corporation.

5. The names and mailing or street addresses, residence or business, of the first board of directors or trustees, together with any desired provisions relative to the right to change the number of directors.

6. The names and mailing or street address, residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 83. NRS 82.111 is hereby amended to read as follows:

82.111 1. Upon the filing of the articles of incorporation ~~[and the certificate of acceptance]~~ pursuant to NRS 82.081 ~~[,]~~ and the payment of the filing fees, the Secretary of State shall issue to the corporation a certificate that the articles, containing the required statement of facts, have been filed in his office. Upon the filing of the articles, the corporation is a body corporate, by the name set forth in the articles, subject to the forfeiture of its charter and dissolution as provided in this chapter.

2. The filing of the articles does not, by itself, constitute commencement of business by the corporation.

Sec. 84. NRS 82.193 is hereby amended to read as follows:

82.193 1. A corporation shall have a ~~[resident]~~ ***registered*** agent in the manner provided in NRS 78.090 ~~[, 78.095, 78.097 and 78.110.]~~ ***and 78.097.*** The ~~[resident]~~ ***registered*** agent and the corporation shall comply with the provisions of those sections.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is $25;

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 85. NRS 82.306 is hereby amended to read as follows:

82.306 1. If any corporation fails to elect directors within 18 months after the last election of directors required by NRS 82.286, the district court has jurisdiction in equity, upon application of any one or more of the members of the corporation representing 10 percent of the voting power of the members entitled to vote for the election of directors or for the election of delegates who are entitled to elect directors, or 50 members, whichever is less, to order the election of directors as required by NRS 82.286.

2. The application must be made by petition filed in the county where the ~~[registered]~~ ***principal*** office of the corporation is located ***or, if the principal office is not located in this State, in Carson City,*** and must be brought on behalf of all members desiring to be joined therein. Such notice must be given to the corporation and the members as the court may direct.

Sec. 86. NRS 82.356 is hereby amended to read as follows:

82.356 1. ~~[Each]~~ ***Except as otherwise provided in section 34 of this act, each*** amendment adopted pursuant to the provisions of NRS 82.351 must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed, approve it and, if the corporation has members entitled to vote on an amendment to the articles, call a meeting, either annual or special, of the members. The amendment must also be approved by each public official or other person whose approval of an amendment of articles is required by the articles.

(b) At the meeting of members, of which notice must be given to each member entitled to vote pursuant to the provisions of this section, a vote of the members entitled to vote in person or by proxy must be taken for and against the proposed amendment. A majority of a quorum of the voting power of the members or such greater proportion of the voting power of members as may be required in the case of a vote by classes, as provided in subsection 3, or as may be required by the articles, must vote in favor of the amendment.

(c) Upon approval of the amendment by the directors, or if the corporation has members entitled to vote on an amendment to the articles, by both the directors and those members, and such other persons or public officers, if any, as are required to do so by the articles, an officer of the corporation must sign a certificate setting forth the amendment, or setting forth the articles as amended, that the public officers or other persons, if any, required by the articles have approved the amendment, and the vote of the members and directors by which the amendment was adopted.

(d) The certificate so signed must be filed in the Office of the Secretary of State.

2. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

3. If any proposed amendment would alter or change any preference or any relative or other right given to any class of members, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of a majority of a quorum of the voting power of each class of members affected by the amendment regardless of limitations or restrictions on their voting power.

4. In the case of any specified amendments, the articles may require a larger vote of members than that required by this section.

Sec. 87. NRS 82.371 is hereby amended to read as follows:

82.371 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles as amended by filing with the Secretary of State a certificate which must set forth the articles as amended to the date of the certificate. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 82.346, 82.351 and 82.356, as applicable, and must be accompanied by a form prescribed by the Secretary of State setting forth which provisions of the articles of incorporation on file with the Secretary of State are being altered or amended.

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and must state that he has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles as amended to the date of the certificate.

3. The following may be omitted from the restated articles:

(a) The names, addresses, signatures and acknowledgments of the incorporators;

(b) The names and addresses of the members of the past and present board of directors; and

(c) The ~~[name and address of the resident agent.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed after the restated articles and certified copies of all certificates supplementary to the original articles.

5. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 88. NRS 82.471 is hereby amended to read as follows:

82.471 1. Whenever any corporation becomes insolvent or suspends its ordinary business for want of funds to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or members, creditors holding 10 percent of the outstanding indebtedness, or members, if any, having 10 percent of the

voting power to elect directors, may, by petition or bill of complaint setting forth the facts and circumstances of the case, apply to the district court of the county in which the ~~[registered]~~ ***principal*** office of the corporation is located ***or to the district court in Carson City*** for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition or bill, and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If upon the inquiry it appears to the court that the corporation has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or members, so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, funds, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

Sec. 89. NRS 82.486 is hereby amended to read as follows:

82.486 1. The persons described in subsections 2 and 3 may apply to the district court in the district where the corporation has its ~~[registered office:]~~ ***principal office or, if the principal office is not located in this State, to the district court in Carson City:***

(a) For an order dissolving the corporation and appointing a receiver to wind up its affairs, and by injunction restrain the corporation from exercising any of its powers or doing business whatsoever, except by or through a receiver appointed by the court; or

(b) For such other equitable relief that is just and proper in the circumstances.

2. A member or members, if any, holding at least one-third of the voting power for the election of directors or a majority of the directors in office, may apply for the relief described in subsection 1 whenever it is established that:

(a) The corporation has willfully violated its charter;

(b) Its trustees or directors have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;

(c) Its trustees or directors have been guilty of misfeasance, malfeasance or nonfeasance;

(d) The corporation is unable to conduct its activities or conserve its assets by reason of the act, neglect or refusal to function of any of the directors or trustees;

(e) The assets of the corporation are in danger of waste, misapplication, sacrifice or loss;

(f) The corporation has abandoned its business;

(g) The corporation has not proceeded diligently to wind up its affairs or to distribute its assets in a reasonable time;

(h) The corporation has become insolvent;

(i) The corporation, although not insolvent, is for any cause not able to pay its debts or other obligations as they mature;

(j) The corporation is not about to resume its business with safety to the public;

(k) The period of corporate existence has expired and has not been lawfully extended;

(l) The corporation has solicited property and has failed to use it for the purpose solicited;

(m) The corporation has fraudulently used or solicited property; or

(n) The corporation has exceeded its powers.

3. The Attorney General may apply for the relief described in subsection 1 whenever the corporation is a corporation for public benefit and whenever it is established that:

(a) The corporation has willfully violated its charter;

(b) Its trustees or directors have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;

(c) The corporation has abandoned its business;

(d) The corporation has become insolvent;

(e) The corporation, although not insolvent, is for any cause not able to pay its debts or other obligations as they mature;

(f) The corporation has solicited property and has failed to use it for the purpose solicited;

(g) The corporation has fraudulently used or solicited property; or

(h) The period of corporate existence has expired and has not been lawfully extended.

4. Any person or superior organization under which the corporation was formed, if expressly authorized to act by the articles, may apply for the relief described in subsection 1 pursuant to the grounds, if any, set forth in the articles.

Sec. 90. NRS 82.523 is hereby amended to read as follows:

82.523 1. Each foreign nonprofit corporation doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign nonprofit corporation with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign nonprofit corporation;

(b) The file number of the foreign nonprofit corporation, if known;

(c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation;

(e) The ~~[name and address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of an officer of the foreign nonprofit corporation certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign nonprofit corporation:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of $25.

4. The Secretary of State shall, 60 days before the last day for filing each annual list, cause to be mailed to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign nonprofit corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 91. NRS 82.5236 is hereby amended to read as follows:

82.5236 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign nonprofit corporation deemed in default pursuant to NRS 82.5235. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of incorporation occurs, the Secretary of State shall compile a complete

list containing the names of all foreign nonprofit corporations whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign nonprofit corporation specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 92. NRS 82.5237 is hereby amended to read as follows:

82.5237 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign nonprofit corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of NRS 82.523 to 82.5239, inclusive, and restore to the foreign nonprofit corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State a list as provided in NRS 82.523; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 82.523 and 82.5235 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $100 for reinstatement.

2. When the Secretary of State reinstates the foreign nonprofit corporation, he shall issue to the foreign nonprofit corporation a certificate of reinstatement if the foreign nonprofit corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the fees as provided in subsection ~~[8]~~ ***7*** of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign nonprofit corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 93. NRS 82.546 is hereby amended to read as follows:

82.546 1. Any corporation which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 78.150 and 82.193, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or its existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The ~~[name and street address of the lawfully designated resident agent of the filing corporation, and his mailing address if different from his street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer and all of its directors and their mailing or street addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the last-appointed surviving directors.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The signing and filing of the certificate must be approved unanimously by the last-appointed surviving directors of the corporation and must contain a recital that unanimous consent was secured. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation named therein.

Sec. 94. NRS 84.006 is hereby amended to read as follows:

84.006 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 95. NRS 84.020 is hereby amended to read as follows:

84.020 An archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or clergyman of a church or religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination, and in whom is vested the

legal title to property held for the purposes, use or benefit of the church or religious society or denomination, may make and sign written articles of incorporation, in duplicate, and file one copy of the articles ~~[, together with a certificate of acceptance of appointment signed by the resident agent of the corporation,]~~ in the Office of the Secretary of State and retain possession of the other.

Sec. 96. NRS 84.030 is hereby amended to read as follows:

84.030 The articles of incorporation must specify:

1. The name of the corporation, which must be the name of the person making and subscribing the articles and the title of his office in the church or religious society, naming it if desired, and followed by the words "and his successors, a corporation sole," or the title of his office in the church or religious society, naming it if desired, and followed by the words "and his successors, a corporation sole."

2. The object of the corporation.

3. The title of the person making the articles, and the manner in which any vacancy occurring in the incumbency of an archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or clergyman is required by the rules, regulations or discipline of such church, society or denomination to be filled.

4. The ~~[name of the natural person or corporation designated as the corporation's resident agent, the street address for the service of process, and the mailing address if different from the street address.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

Sec. 97. NRS 84.110 is hereby amended to read as follows:

84.110 1. Every corporation sole must have a ~~[resident]~~ ***registered*** agent in the manner provided in NRS 78.090 and ~~[78.095, subsections 1 to 4, inclusive, of NRS]~~ 78.097 **.** ~~[and NRS 78.110. The resident]~~ ***The registered*** agent shall comply with the provisions of those sections.

2. ~~[A corporation sole that fails to file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.~~

~~3.]~~ A corporation sole is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

(a) The fee for filing a list is $25;

(b) The penalty added for default is $50; and

(c) The fee for reinstatement is $100.

Sec. 98. NRS 84.120 is hereby amended to read as follows:

84.120 1. ~~[A resident agent who wishes to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the corporation for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected corporation sole appointing a successor resident agent for that corporation. A certificate of acceptance signed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation sole appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to the person in whom is vested the legal title to property specified in NRS 84.020.~~

~~4.~~] If a [~~resident agent dies, resigns or removes from the State,~~] ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the corporation sole, [~~within 30 days thereafter,~~] ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a [~~certificate of acceptance signed by the new resident agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as a post office box, which may be different from the street address.~~

~~5.~~] ***statement of change of registered agent pursuant to section 34 of this act.***

***2.*** A corporation sole that fails to [~~file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent~~] ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.

***3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.***

Sec. 99. NRS 84.140 is hereby amended to read as follows:

84.140 1. The Secretary of State shall notify, by providing written notice to its [~~resident~~] ***registered*** agent, each corporation sole deemed in default pursuant to the provisions of this chapter. The notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the [~~resident~~] ***registered*** agent, may be provided electronically.

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

3. The Secretary of State shall compile a complete list containing the names of all corporations sole whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each corporation specified in subsection 3 of the forfeiture of its charter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 100. NRS 84.150 is hereby amended to read as follows:

84.150 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any corporation sole which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State ~~[a certificate of acceptance of appointment signed by the resident agent of the corporation;]~~ ***the information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fees and penalties set forth in this chapter for each year or portion thereof during which its charter has been revoked; and

(2) A fee of $25 for reinstatement.

2. When the Secretary of State reinstates the corporation to its former rights, he shall:

(a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and

(b) Upon demand, issue to the corporation a certified copy of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of its charter occurred only by reason of its failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for 10 consecutive years, the charter must not be reinstated.

Sec. 101. Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:

***"Registered agent" has the meaning ascribed to it in section 24 of this act.***

Sec. 102. NRS 86.011 is hereby amended to read as follows:

86.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 86.022 to 86.128, inclusive, ***and section 101 of this act*** have the meanings ascribed to them in those sections.

Sec. 103. NRS 86.121 is hereby amended to read as follows:

86.121 "Registered office" of a limited-liability company means the office maintained at the street address of its ~~[resident]~~ ***registered*** agent.

Sec. 104. NRS 86.128 is hereby amended to read as follows:

86.128 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 105. NRS 86.151 is hereby amended to read as follows:

86.151 1. One or more persons may form a limited-liability company by ~~[:~~

~~(a) Signing]~~ ***signing*** and filing with the Secretary of State articles of organization for the company ***.*** ~~[; and~~

~~(b) Filing with the Secretary of State a certificate of acceptance of appointment, signed by the resident agent of the company.]~~

2. Upon the filing of the articles of organization ~~[and the certificate of acceptance]~~ with the Secretary of State ~~[,]~~ and the payment to him of the required filing fees, the Secretary of State shall issue to the company a certificate that the articles, containing the required statement of facts, have been filed.

3. A signer of the articles of organization or a manager designated in the articles does not thereby become a member of the company. At all times after commencement of business by the company, the company must have one or more members. The filing of the articles does not, by itself, constitute commencement of business by the company.

Sec. 106. NRS 86.161 is hereby amended to read as follows:

86.161 1. The articles of organization must set forth:

(a) The name of the limited-liability company;

(b) The ~~[name and complete street address of its resident agent, and the mailing address of the resident agent if different from the street address;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

(c) The name and address, either residence or business, of each of the organizers signing the articles;

(d) If the company is to be managed by:

(1) One or more managers, the name and address, either residence or business, of each initial manager; or

(2) The members, the name and address, either residence or business, of each initial member; and

(e) If the company is to have one or more series of members and the debts or liabilities of any series are to be enforceable against the assets of that series only and not against the assets of another series or the company generally, a statement to that effect and a statement:

(1) Setting forth the relative rights, powers and duties of the series; or

(2) Indicating that the relative rights, powers and duties of the series will be set forth in the operating agreement or established as provided in the operating agreement.

2. The articles may set forth any other provision, not inconsistent with law, which the members elect to set out in the articles of organization for the regulation of the internal affairs of the company, including any provisions which under this chapter are required or permitted to be set out in the operating agreement of the company.

3. It is not necessary to set out in the articles of organization:

(a) The rights of the members to contract debts on behalf of the limited-liability company if the limited-liability company is managed by its members;

(b) The rights of the manager or managers to contract debts on behalf of the limited-liability company if the limited-liability company is managed by a manager or managers; or

(c) Any of the powers enumerated in this chapter.

Sec. 107. NRS 86.201 is hereby amended to read as follows:

86.201 1. A limited-liability company is considered legally organized pursuant to this chapter upon:

(a) Filing the articles of organization with the Secretary of State or upon a later date specified in the articles of organization; ***and***

(b) ~~[Filing the certificate of acceptance of the resident agent with the Secretary of State; and~~

~~(c)]~~ Paying the required filing fees to the Secretary of State.

2. A limited-liability company must not transact business or incur indebtedness, except that which is incidental to its organization or to obtaining subscriptions for or payment of contributions, until the company is considered legally organized pursuant to subsection 1.

Sec. 108. NRS 86.221 is hereby amended to read as follows:

86.221 1. The articles of organization of a limited-liability company may be amended for any purpose, not inconsistent with law, as determined by all of the members or permitted by the articles or an operating agreement.

2. ~~[An]~~ ***Except as otherwise provided in section 34 of this act, an*** amendment must be made in the form of a certificate setting forth:

(a) The name of the limited-liability company;

(b) Whether the limited-liability company is managed by managers or members; and

(c) The amendment to the articles of organization.

3. The certificate of amendment must be signed by a manager of the company or, if management is not vested in a manager, by a member.

4. Restated articles of organization may be signed and filed in the same manner as a certificate of amendment. If the certificate alters or amends the articles in any manner, it must be accompanied by a form prescribed by the Secretary of State setting forth which provisions of the articles of organization on file with the Secretary of State are being altered or amended.

5. The following may be omitted from the restated articles of organization:

(a) The names, addresses, signatures and acknowledgments of the organizers;

(b) The names and addresses of the past and present members or managers; and

(c) The ~~[name and address of the resident agent.]~~ ***information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.***

Sec. 109. NRS 86.231 is hereby amended to read as follows:

86.231 ~~[1. Except during any period of vacancy described in NRS 86.251, a]~~ ***A*** limited-liability company shall have a ~~[resident]~~ ***registered*** agent who must have a street address for the service of process. The street address of the ~~[resident]~~ ***registered*** agent is the registered office of the limited-liability company in this State.

~~[2. Within 30 days after changing the location of his office from one address to another in this State, a resident agent shall file a certificate with the Secretary of State setting forth the names of the limited liability companies represented by him, the address at which he has maintained the office for each of the limited liability companies, and the new address to which the office is transferred.]~~

Sec. 110. NRS 86.251 is hereby amended to read as follows:

86.251 1. ~~[A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the limited liability company for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected limited liability company appointing a successor resident agent for that limited liability company, giving the agent's full name, street address for the service of process, and mailing address if different from the street address. A certificate of acceptance signed by the new resident agent must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the limited liability company appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited liability company of the filing of the statement and its effect. The notice must be addressed to any manager or, if none, to any member of the limited liability company other than the resident agent.~~

~~4.~~] If a [~~resident agent dies, resigns or moves from the State,~~] ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the limited-liability company, [~~within 30 days thereafter,~~] ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a [~~certificate of acceptance signed by the new resident agent. The certificate must set forth the name, complete street address and mailing address, if different from the street address, of the new resident agent.~~

~~5.~~] ***statement of change of registered agent pursuant to section 34 of this act.***

***2.*** Each limited-liability company which fails to [~~file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection 4~~] ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 86.272 and 86.274.

***3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.***

Sec. 111. NRS 86.261 is hereby amended to read as follows:

86.261 1. The [~~resident~~] ***registered*** agent appointed by a limited-liability company is an agent of the company upon whom any process, notice or demand required or permitted by law to be served upon the company may be served.

2. This section does not limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a limited-liability company in any other manner permitted by law.

Sec. 112. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited-liability company;

(b) The file number of the limited-liability company, if known;

(c) The names and titles of all of its managers or, if there is no manager, all of its managing members;

(d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;

(e) The [~~name and street address of its lawfully designated resident agent in this State;~~] ***information required*** ~~***[by subsection 1 of]***~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall annually thereafter, on or before the last day of the month in which the anniversary date of its organization

occurs, file with the Secretary of State, on a form furnished by him, an amended list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of $125.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 113. NRS 86.274 is hereby amended to read as follows:

86.274 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each limited-liability company deemed in default pursuant to the provisions of this chapter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

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

3. The Secretary of State shall compile a complete list containing the names of all limited-liability companies whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each limited-liability company specified in subsection 3 of the forfeiture of its charter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

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

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

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

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

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

Sec. 114. NRS 86.276 is hereby amended to read as follows:

86.276 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited-liability company which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the company its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.263; ~~***[and]***~~

(2) The statement required by NRS 86.264, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which it failed to file in a timely manner each required annual list;

(2) The fee set forth in NRS 86.264, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited-liability company, he shall issue to the company a certificate of reinstatement if the limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 115. NRS 86.544 is hereby amended to read as follows:

86.544 Before transacting business in this State, a foreign limited-liability company must register with the Secretary of State. In order to register, a foreign limited-liability company must submit to the Secretary of State an application for registration as a foreign limited-liability company, signed by a manager of the company or, if management is not vested in a manager, a member of the company **.** ~~[and a signed certificate of acceptance of a resident agent.]~~ The application for registration must set forth:

1. The name of the foreign limited-liability company and, if different, the name under which it proposes to register and transact business in this State;

2. The state and date of its formation;

3. The ~~[name and address of the resident agent in this State whom the foreign limited-liability company elects to appoint;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

4. A statement that the Secretary of State is appointed the agent of the foreign limited-liability company for service of process if the authority of the ~~[resident]~~ ***registered*** agent has been revoked, or if the ~~[resident]~~ ***registered*** agent has resigned or cannot be found or served with the exercise of reasonable diligence;

5. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited-liability company;

6. The name and business address of each manager or, if management is not vested in a manager, each member;

7. The address of the office at which is kept a list of the names and addresses of the members and their capital contributions, together with an undertaking by the foreign limited-liability company to keep those records until the registration in this State of the foreign limited-liability company is cancelled or withdrawn; and

8. If the foreign limited-liability company has one or more series of members and if the debts or liabilities of a series are enforceable against the assets of that series only and not against the assets of the company generally or another series, a statement to that effect.

Sec. 116. NRS 86.5461 is hereby amended to read as follows:

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list on a form furnished by him that contains:

(a) The name of the foreign limited-liability company;

(b) The file number of the foreign limited-liability company, if known;

(c) The names and titles of all its managers or, if there is no manager, all its managing members;

(d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c);

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a manager or managing member of the foreign limited-liability company certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited-liability company:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of $125.

4. If a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, cause to be mailed to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited-liability company to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date ~~[must]~~ ***shall*** be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

Sec. 117. NRS 86.5466 is hereby amended to read as follows:

86.5466 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign limited-liability company deemed in default pursuant to NRS 86.5465. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of its organization occurs, the Secretary of State shall compile a complete list containing the names of all foreign limited-liability companies whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign limited-liability company specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 118. NRS 86.5467 is hereby amended to read as follows:

86.5467 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited-liability company which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited-liability company its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.5461; ~~*[and]*~~

(2) The statement required by NRS 86.5462, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.5461 and 86.5465 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 86.5462, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability company, he shall issue to the foreign limited-liability company a certificate of reinstatement if the foreign limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited-liability company to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right must not be reinstated.

Sec. 119. NRS 86.561 is hereby amended to read as follows:

86.561 1. The Secretary of State shall charge and collect for:

(a) Filing the original articles of organization, or for registration of a foreign company, $75;

(b) Amending or restating the articles of organization, amending the registration of a foreign company or filing a certificate of correction, $175;

(c) Filing the articles of dissolution of a domestic or foreign company, $75;

(d) ~~[Filing a statement of change of address of a records or registered office, or change of the resident agent, $60;~~

~~(e)]~~ Certifying a copy of articles of organization or an amendment to the articles, $30;

~~[(f)]~~ ***(e)*** Certifying an authorized printed copy of this chapter, $30;

~~[(g)]~~ ***(f)*** Reserving a name for a limited-liability company, $25;

~~[(h)]~~ ***(g)*** Filing a certificate of cancellation, $75;

~~[(i)]~~ ***(h)*** Signing, filing or certifying any other record, $50; and

~~[(j)]~~ ***(i)*** Copies provided by the Office of the Secretary of State, $2 per page.

2. The Secretary of State shall charge and collect, at the time of any service of process on him as agent for service of process of a limited-liability company, $100 which may be recovered as taxable costs by the party to the action causing the service to be made if the party prevails in the action.

3. Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 120. NRS 86.580 is hereby amended to read as follows:

86.580 1. A limited-liability company which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 86.276, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the limited-liability company, which must be the name of the limited-liability company at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The ~~[name of the person lawfully designated as the resident agent of the limited-liability company, his street address for the service of process, and his mailing address if different from his street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the limited-liability company desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its managers ~~[,]~~ or **,** if there are no managers, all its managing members and their mailing or street addresses, either residence or business.

2. A limited-liability company whose charter has not expired and is being renewed shall cause the certificate to be signed by its manager ~~[,]~~ or **,** if there is no manager, by a person designated by its members. The certificate must be approved by a majority in interest.

3. A limited-liability company seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the members. The signing and filing of the certificate must be approved by the written consent of a majority in interest and must contain a recital that this consent was secured. The limited-liability company shall pay to the Secretary of State the fee required to establish a new limited-liability company pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence of the limited-liability company therein named.

Sec. 121. NRS 87.008 is hereby amended to read as follows:

87.008 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 122. NRS 87.440 is hereby amended to read as follows:

87.440 1. To become a registered limited-liability partnership, a partnership shall file with the Secretary of State a certificate of registration stating each of the following:

(a) The name of the partnership.

(b) The street address of its principal office.

(c) The ~~[name of the person designated as the partnership's resident agent, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different than his street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

(d) The name and business address of each managing partner in this State.

(e) A brief statement of the professional service rendered by the partnership.

(f) That the partnership thereafter will be a registered limited-liability partnership.

(g) Any other information that the partnership wishes to include.

2. The certificate of registration must be signed by a majority in interest of the partners or by one or more partners authorized to sign such a certificate.

3. The certificate of registration must be accompanied by a fee of $75.

4. The Secretary of State shall register as a registered limited-liability partnership any partnership that submits a completed certificate of registration with the required fee.

5. The registration of a registered limited-liability partnership is effective at the time of the filing of the certificate of registration.

Sec. 123. NRS 87.480 is hereby amended to read as follows:

87.480 ~~[1. Except during the period described in subsection 3, a]~~ ***A*** registered limited-liability partnership must have a ~~[resident]~~ ***registered*** agent who resides or is located in this State. A ~~[resident]~~ ***registered*** agent must have a street address for the service of process that is the principal office of the registered limited-liability company in this State, and may have a separate mailing address that is different from his street address.

~~[2. A resident agent for a registered limited-liability partnership shall file a certificate of acceptance with the Secretary of State.~~

~~3. A resident agent shall, within 30 days after changing the location of his office from one address to another address in this State, file a certificate with the Secretary of State that sets forth the names of the registered limited-liability partnerships represented by the agent and the new address of his office.]~~

Sec. 124. NRS 87.490 is hereby amended to read as follows:

87.490 1. If a registered limited-liability partnership wishes to change the location of its principal office in this State **,** ~~[or its resident agent,]~~ it shall first file with the Secretary of State a certificate of change of principal office ~~[or resident agent]~~ that sets forth:

(a) The name of the registered limited-liability partnership;

(b) The street address of its principal office; ***and***

(c) ~~[If the location of its principal office will be changed, the]~~ ***The*** street address of its new principal office **.** ~~[;~~

~~(d) The name of its resident agent; and~~

~~(c) If its resident agent will be changed, the name of its new resident agent.~~

~~2. A certificate of acceptance signed by the new resident agent must accompany the certificate of change of resident agent.~~

~~3.~~ ***2.*** A certificate of change of principal office ~~[or resident agent]~~ filed pursuant to this section must be:

(a) Signed by a managing partner of the registered limited-liability partnership; and

(b) Accompanied by a fee of $60.

~~[4. If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:~~

~~(a) File with the Secretary of State a certificate of name change of resident agent that includes:~~

~~(1) The current name of the resident agent as filed with the Secretary of State;~~

~~(2) The new name of the resident agent; and~~

~~(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and~~

~~(b) Pay to the Secretary of State a filing fee of $100.~~

~~5.~~ ***3.*** A change authorized by this section becomes effective upon the filing of the proper certificate of change.

Sec. 125. NRS 87.500 is hereby amended to read as follows:

87.500 1. ~~[A resident agent who wishes to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the registered limited liability partnership for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement by the affected registered limited liability partnership appointing a successor resident agent. A certificate of acceptance signed by the new agent, stating the full name, complete street address and, if different from the street address, the mailing address of the new agent, must accompany the statement appointing the new resident agent.~~

~~3. Upon the filing of the statement with the Secretary of State, the capacity of the person as resident agent terminates. If the statement of resignation contains no statement by the registered limited liability partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by certified mail, to the registered limited~~

~~liability partnership of the filing of the statement and its effect. The notice must be addressed to a managing partner in this State.~~

~~4.~~] If a ~~[resident agent dies, resigns or removes himself from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the registered limited-liability partnership shall, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or termination,*** file with the Secretary of State a ~~[certificate of acceptance, signed by the new resident agent. The certificate must set forth the full name, complete street address and, if different from the street address, the mailing address of the newly designated resident agent.~~

~~5.~~] ***statement of change of registered agent pursuant to section 34 of this act.***

***2.*** If a registered limited-liability partnership fails to ~~[file a certificate of acceptance within the period required by subsection 4,]~~ ***comply with subsection 1,*** it is in default and is subject to the provisions of NRS 87.520.

***3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.***

Sec. 126. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall, on or before the last day of the first month after the filing of its certificate of registration with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the registered limited-liability partnership;

(b) The file number of the registered limited-liability partnership, if known;

(c) The names of all of its managing partners;

(d) The address, either residence or business, of each managing partner;

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a managing partner of the registered limited-liability partnership certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of NRS 360.780 ~~[and which acknowledges]~~ ***, an acknowledgment*** that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

3. If a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to the registered limited-liability partnership a notice of the fee due pursuant to subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice or form does not excuse it from complying with the provisions of this section.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 127. NRS 87.520 is hereby amended to read as follows:

87.520 1. A registered limited-liability partnership that fails to comply with the provisions of NRS 87.510 is in default.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a registered limited-liability partnership which is a unit-owners' association as defined in NRS 116.011 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the registered limited-liability partnership to be in default. If, after the registered limited-liability partnership is deemed to be in default, the Administrator notifies the Secretary of State that the registered limited-liability partnership has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the registered limited-liability partnership if the registered limited-liability partnership complies with the requirements for reinstatement as provided in this section and NRS 87.530.

3. Any registered limited-liability partnership that is in default pursuant to this section must, in addition to the fee required to be paid pursuant to NRS 87.510, pay a penalty of $75.

4. The Secretary of State shall provide written notice to the ~~[resident]~~ ***registered*** agent of any registered limited-liability partnership that is in default. The written notice:

(a) Must include the amount of any payment that is due from the registered limited-liability partnership.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

5. If a registered limited-liability partnership fails to pay the amount that is due, the certificate of registration of the registered limited-liability partnership shall be deemed revoked immediately after the last day of the month in which the anniversary date of the filing of the certificate of registration occurs, and the Secretary of State shall notify the registered limited-liability partnership, by providing written notice to its ~~[resident]~~ ***registered*** agent or, if the registered limited-liability partnership does not have a ~~[resident]~~ ***registered*** agent, to a managing partner, that its certificate of registration is revoked. The written notice:

(a) Must include the amount of any fees and penalties incurred that are due.

(b) At the request of the ~~[resident]~~ ***registered*** agent or managing partner, may be provided electronically.

Sec. 128. NRS 87.530 is hereby amended to read as follows:

87.530 1. Except as otherwise provided in subsection 3, the Secretary of State shall reinstate the certificate of registration of a registered limited-liability partnership that is revoked pursuant to NRS 87.520 if the registered limited-liability partnership:

(a) Files with the Secretary of State :

(1) The ~~*[the]*~~ information required by NRS 87.510; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The fee required to be paid pursuant to NRS 87.510;

(2) Any penalty required to be paid pursuant to NRS 87.520; and

(3) A reinstatement fee of $300.

2. When the Secretary of State reinstates the registered limited-liability partnership, he shall issue to the registered limited-liability partnership a certificate of reinstatement if the registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not reinstate the certificate of registration of a registered limited-liability partnership if the certificate was revoked pursuant to the provisions of this chapter at least 5 years before the date of the proposed reinstatement.

Sec. 129. NRS 87.541 is hereby amended to read as follows:

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign registered limited-liability partnership;

(b) The file number of the foreign registered limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner;

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a managing partner of the foreign registered limited-liability partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign registered limited-liability partnership:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of $125.

4. If a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.544, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign registered limited-liability partnership to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.544, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date ~~[must]~~ ***shall*** be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 130. NRS 87.543 is hereby amended to read as follows:

87.543 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign registered limited-liability partnership deemed in default pursuant to NRS 87.5425. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of its registration occurs, the Secretary of State shall compile a complete list containing the names of all foreign registered limited-liability partnerships whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign registered limited-liability partnership specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 131. NRS 87.5435 is hereby amended to read as follows:

87.5435 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign registered limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign registered limited-liability partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State ~~[~~:

~~(1) The]~~ ***the*** list required by NRS 87.541; and

~~[(2) A certificate of acceptance of appointment signed by its resident agent; and]~~

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 87.541 and 87.5425 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign registered limited-liability partnership, he shall issue to the foreign registered limited-liability partnership a certificate of reinstatement if the foreign registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right

to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign registered limited-liability partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 132. NRS 88.315 is hereby amended to read as follows:

88.315 As used in this chapter, unless the context otherwise requires:

1. "Certificate of limited partnership" means the certificate referred to in NRS 88.350, and the certificate as amended or restated.

2. "Contribution" means any cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a partner contributes to a limited partnership in his capacity as a partner.

3. "Event of withdrawal of a general partner" means an event that causes a person to cease to be a general partner as provided in NRS 88.450.

4. "Foreign limited partnership" means a partnership formed under the laws of any state other than this State and having as partners one or more general partners and one or more limited partners.

5. "Foreign registered limited-liability limited partnership" means a foreign limited-liability limited partnership:

(a) Formed pursuant to an agreement governed by the laws of another state; and

(b) Registered pursuant to and complying with NRS 88.570 to 88.605, inclusive, and 88.609.

6. "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

7. "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

8. "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this State and having one or more general partners and one or more limited partners.

9. "Partner" means a limited or general partner.

10. "Partnership agreement" means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

11. "Partnership interest" means a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

12. "Record" means information that is inscribed on tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

13. ”Registered limited-liability limited partnership” means a limited partnership:

(a) Formed pursuant to an agreement governed by this chapter; and

(b) Registered pursuant to and complying with NRS 88.350 to 88.415, inclusive, 88.606, 88.6065 and 88.607.

14. ***”Registered agent” has the meaning ascribed to it in section 24 of this act.***

***15.*** ”Registered office” means the office maintained at the street address of the ~~[resident agent.~~

~~15. ”Resident agent” means the agent appointed by the limited partnership upon whom process or a notice or demand authorized by law to be served upon the limited partnership may be served.]~~ ***registered agent.***

16. ”Sign” means to affix a signature to a record.

17. ”Signature” means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself and adopt or accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

18. ”State” means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

19. ”Street address” of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered agent*** is available for service of process.

Sec. 133. NRS 88.330 is hereby amended to read as follows:

88.330 1. Each limited partnership shall continuously maintain in this State:

(a) An office, which may but need not be a place of its business in this State, at which must be kept the records required by NRS 88.335 to be maintained; and

(b) A ~~[resident]~~ ***registered*** agent.

2. ~~[Every resident agent shall file a certificate in the Office of the Secretary of State, setting forth his street address where process may be served upon the limited partnership and his mailing address if different from the street address.~~

~~3. Within 30 days after changing the location of his office from one address to another in this State, a resident agent shall file a certificate with the Secretary of State setting forth the names of the limited partnerships represented by the agent, the address at which he has maintained the office for each of the limited partnerships, and the new address to which the office is transferred.~~

~~4.]~~ Within 30 days after changing the location of the office which contains records for a limited partnership, a general partner of the limited partnership shall file a certificate of a change in address with the Secretary of State which sets forth the name of the limited partnership, the previous

address of the office which contains records and the new address of the office which contains records.

Sec. 134. NRS 88.332 is hereby amended to read as follows:

88.332 1. ~~[A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the limited partnership for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement by the affected limited partnership appointing a successor resident agent for the limited partnership. A certificate of acceptance signed by the new agent, stating the full name, complete street address and, if different from the street address, mailing address of the new agent, must accompany the statement appointing the new agent.~~

~~3. Upon the filing of the statement with the Secretary of State, the capacity of the person as resident agent terminates. If the statement of resignation does not contain a statement by the limited partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited partnership of the filing of the statement and the effect thereof. The notice must be addressed to a general partner of the partnership other than the resident agent.~~

~~4.]~~ If a ~~[designated resident agent dies, resigns or removes from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** the limited partnership, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a ~~[certificate of acceptance, signed by the new resident agent. The certificate must set forth the full name, complete street address and, if different from the street address, mailing address of the newly designated resident agent.~~

~~5.]~~ ***statement of change of registered agent pursuant to section 34 of this act.***

***2.*** Each limited partnership which fails to ~~[file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection 4]~~ ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 88.400 and 88.405.

***3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.***

Sec. 135. NRS 88.335 is hereby amended to read as follows:

88.335 1. A limited partnership shall keep at the office referred to in paragraph (a) of subsection 1 of NRS 88.330 the following:

(a) A current list of the full name and last known business address of each partner, separately identifying the general partners in alphabetical order and the limited partners in alphabetical order;

(b) A copy of the certificate of limited partnership and all certificates of amendment thereto, together with signed copies of any powers of attorney pursuant to which any certificate has been signed;

(c) Copies of the limited partnership's federal, state, and local income tax returns and reports, if any, for the 3 most recent years;

(d) Copies of any then effective written partnership agreements;

(e) Copies of any financial statements of the limited partnership for the 3 most recent years; and

(f) Unless contained in a written partnership agreement, a writing setting out:

(1) The amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute;

(2) The times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

(3) Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution; and

(4) Any events upon the happening of which the limited partnership is to be dissolved and its affairs wound up.

2. In lieu of keeping at an office in this State the information required in paragraphs (a), (c), (e) and (f) of subsection 1, the limited partnership may keep a statement with the ~~[resident]~~ ***registered*** agent setting out the name of the custodian of the information required in paragraphs (a), (c), (e) and (f) of subsection 1, and the present and complete post office address, including street and number, if any, where the information required in paragraphs (a), (c), (e) and (f) of subsection 1 is kept.

3. Records kept pursuant to this section are subject to inspection and copying at the reasonable request, and at the expense, of any partner during ordinary business hours.

Sec. 136. NRS 88.350 is hereby amended to read as follows:

88.350 1. In order to form a limited partnership, a certificate of limited partnership must be signed and filed in the Office of the Secretary of State. The certificate must set forth:

(a) The name of the limited partnership;

(b) The ~~[address of the office which contains records and the name and address of the resident agent required to be maintained by NRS 88.330;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

(c) The name and business address of each organizer executing the certificate;

(d) The name and business address of each initial general partner;

(e) The latest date upon which the limited partnership is to dissolve; and

(f) Any other matters the organizers determine to include therein.

2. ~~[A certificate of acceptance of appointment of a resident agent, signed by the agent, must be filed with the certificate of limited partnership.~~

~~3.]~~ A limited partnership is formed at the time of the filing of the certificate of limited partnership ~~[and the certificate of acceptance]~~ in the Office of the Secretary of State or at any later time specified in the certificate of limited partnership if ~~[, in either case,]~~ there has been substantial compliance with the requirements of this section.

Sec. 137. NRS 88.355 is hereby amended to read as follows:

88.355 1. A certificate of limited partnership is amended by filing a certificate of amendment thereto in the Office of the Secretary of State. The certificate must set forth:

(a) The name of the limited partnership; and

(b) The amendment.

2. Within 30 days after the happening of any of the following events **,** an amendment to a certificate of limited partnership reflecting the occurrence of the event or events must be filed:

(a) The admission of a new general partner;

(b) The withdrawal of a general partner; or

(c) The continuation of the business under NRS 88.550 after an event of withdrawal of a general partner.

3. A general partner who becomes aware that any statement in a certificate of limited partnership was false when made or that any arrangements or other facts described, except the address of its office or the name or address of its ~~[resident]~~ ***registered*** agent, have changed, making the certificate inaccurate in any respect, shall promptly amend the certificate.

4. A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.

5. No person has any liability because an amendment to a certificate of limited partnership has not been filed to reflect the occurrence of any event referred to in subsection 2 if the amendment is filed within the 30-day period specified in subsection 2.

6. A certificate of amendment filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

7. A restated certificate of limited partnership may be signed and filed in the same manner as a certificate of amendment. If the certificate alters or amends the certificate of limited partnership in any manner, it must be accompanied by a form prescribed by the Secretary of State setting forth which provisions of the certificate of limited partnership on file with the Secretary of State are being altered or amended.

Sec. 138. NRS 88.395 is hereby amended to read as follows:

88.395 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

(a) The name of the limited partnership;

(b) The file number of the limited partnership, if known;

(c) The names of all of its general partners;

(d) The address, either residence or business, of each general partner;

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

➥ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of NRS 360.780 and which acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $125.

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of $175.

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list. Failure of any limited partnership to receive a notice or form does not excuse it from the penalty imposed by NRS 88.400.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

Sec. 139. NRS 88.405 is hereby amended to read as follows:

88.405 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each defaulting limited partnership. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the first day of the first anniversary of the month following the month in which filing was required, the certificate of the limited partnership is revoked.

3. The Secretary of State shall compile a complete list containing the names of all limited partnerships whose right to transact business has been forfeited.

4. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each limited partnership specified in subsection 3 of the revocation of its certificate. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

5. In case of revocation of the certificate and of the forfeiture of the right to transact business thereunder, all the property and assets of the defaulting domestic limited partnership are held in trust by the general partners, and the same proceedings may be had with respect thereto as for the judicial dissolution of a limited partnership. Any person interested may institute proceedings at any time after a forfeiture has been declared, but, if the Secretary of State reinstates the limited partnership, the proceedings must at once be dismissed and all property restored to the general partners.

Sec. 140. NRS 88.410 is hereby amended to read as follows:

88.410 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the limited partnership its right to carry on business in this State, and to exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list required pursuant to NRS 88.395; ~~*[and]*~~

(2) The statement required by NRS 88.397, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked;

(2) The fee set forth in NRS 88.397, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the limited partnership, he shall issue to the limited partnership a certificate of reinstatement if the limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

Sec. 141. NRS 88.415 is hereby amended to read as follows:

88.415 The Secretary of State, for services relating to his official duties and the records of his office, shall charge and collect the following fees:

1. For filing a certificate of limited partnership, or for registering a foreign limited partnership, $75.

2. For filing a certificate of registration of limited-liability limited partnership, or for registering a foreign registered limited-liability limited partnership, $100.

3. For filing a certificate of amendment of limited partnership or restated certificate of limited partnership, $175.

4. ~~[For filing a certificate of a change of location of the records office of a limited partnership or the office of its resident agent, or a designation of a new resident agent, $60.~~

~~5.]~~ For certifying a copy of a certificate of limited partnership, an amendment to the certificate, or a certificate as amended, $30 per certification.

~~[6.]~~ ***5.*** For certifying an authorized printed copy of the limited partnership law, $30.

~~[7.]~~ ***6.*** For reserving a limited partnership name, or for signing, filing or certifying any other record, $25.

~~[8.]~~ ***7.*** For copies provided by the Office of the Secretary of State, $2 per page.

~~[9.]~~ ***8.*** For filing a certificate of cancellation of a limited partnership, $75.

➥ Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 142. NRS 88.575 is hereby amended to read as follows:

88.575 Before transacting business in this State, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall submit to the Secretary of State an application for registration as a foreign limited partnership, signed by a general partner **.** ~~[, and a signed certificate of acceptance of a resident agent.]~~ The application for registration must set forth:

1. The name of the foreign limited partnership and, if different, the name under which it proposes to register and transact business in this State;

2. The state and date of its formation;

3. The ~~[name and address of the resident agent whom the foreign limited partnership elects to appoint;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

4. A statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process if the ~~[resident]~~ ***registered*** agent's authority has been revoked or if the ~~[resident]~~ ***registered*** agent cannot be found or served with the exercise of reasonable diligence;

5. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership;

6. The name and business address of each general partner; and

7. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this State is cancelled or withdrawn.

Sec. 143. NRS 88.591 is hereby amended to read as follows:

88.591 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign limited partnership;

(b) The file number of the foreign limited partnership, if known;

(c) The names of all its general partners;

(d) The address, either residence or business, of each general partner;

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a general partner of the foreign limited partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited partnership:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of $125.

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of $75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited partnership to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date ~~[must]~~ ***shall*** be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 144. NRS 88.5935 is hereby amended to read as follows:

88.5935 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign limited partnership deemed in default pursuant to NRS 88.593. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of the filing of the certificate of limited partnership occurs, the Secretary of State shall compile a complete list containing the names of all foreign limited partnerships whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign limited partnership specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 145. NRS 88.594 is hereby amended to read as follows:

88.594 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88.591; ~~*[and]*~~

(2) The statement required by NRS 88.5915, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.591 and 88.593 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 88.5915, if applicable; and

(3) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited partnership, he shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 146. NRS 88.606 is hereby amended to read as follows:

88.606 1. To become a registered limited-liability limited partnership, a limited partnership shall file with the Secretary of State a certificate of registration stating each of the following:

(a) The name of the limited partnership.

(b) The street address of its principal office.

(c) The ~~[name of the person designated as the resident agent of the limited partnership, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different from his street address.]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.***

(d) The name and business address of each organizer signing the certificate.

(e) The name and business address of each initial general partner.

(f) That the limited partnership thereafter will be a registered limited-liability limited partnership.

(g) Any other information that the limited partnership wishes to include.

2. The certificate of registration must be signed by the vote necessary to amend the partnership agreement or, in the case of a partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions.

3. The Secretary of State shall register as a registered limited-liability limited partnership any limited partnership that submits a completed certificate of registration with the required fee.

4. The registration of a registered limited-liability limited partnership is effective at the time of the filing of the certificate of registration.

Sec. 147. Chapter 88A of NRS is hereby amended by adding thereto a new section to read as follows:

***"Registered agent" has the meaning ascribed to it in section 24 of this act.***

Sec. 148. NRS 88A.010 is hereby amended to read as follows:

88A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 88A.020 to 88A.110, inclusive, ***and section 147 of this act*** have the meanings ascribed to them in those sections.

Sec. 149. NRS 88A.060 is hereby amended to read as follows:

88A.060 "Registered office" means the office of a business trust maintained at the street address of its ~~[resident]~~ ***registered*** agent.

Sec. 150. NRS 88A.100 is hereby amended to read as follows:

88A.100 "Street address" of a ~~[resident]~~ ***registered*** agent means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 151. NRS 88A.210 is hereby amended to read as follows:

88A.210 1. One or more persons may create a business trust by adopting a governing instrument and signing and filing with the Secretary of State a certificate of trust **.** ~~[and a certificate of acceptance of appointment signed by the resident agent of the business trust.]~~ The certificate of trust must set forth:

(a) The name of the business trust;

(b) The name and address, either residence or business, of at least one trustee;

(c) The ~~[name of the person designated as the resident agent for the business trust, the street address of the resident agent where process may be served upon the business trust and the mailing address of the resident agent if different from the street address;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

(d) The name and address, either residence or business, of each person signing the certificate of trust; and

(e) Any other information the trustees determine to include.

2. Upon the filing of the certificate of trust ~~[and the certificate of acceptance]~~ with the Secretary of State and the payment to him of the required filing fee, the Secretary of State shall issue to the business trust a certificate that the required records with the required content have been filed. From the date of that filing, the business trust is legally formed pursuant to this chapter.

Sec. 152. NRS 88A.500 is hereby amended to read as follows:

88A.500 1. ~~[Except during any period of vacancy described in NRS 88A.530, a]~~ ***A*** business trust shall have a ~~[resident]~~ ***registered*** agent who resides or is located in this State. A ~~[resident]~~ ***registered*** agent shall have a street address for the service of process and may have a mailing address such as a post office box, which may be different from the street address.

2. A business trust formed pursuant to this chapter that fails or refuses to comply with the requirements of this section is subject to a fine of not less than $100 nor more than $500, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

Sec. 153. NRS 88A.520 is hereby amended to read as follows:

88A.520 1. If the ~~[resident]~~ ***registered*** agent is a bank or an artificial person formed or organized pursuant to this title, it may:

(a) Act as the fiscal or transfer agent of a state, municipality, body politic or business trust, and in that capacity may receive and disburse money.

(b) Transfer, register and countersign certificates evidencing a beneficial owner's interest in a business trust, bonds or other evidences of indebtedness and act as agent of any business trust, foreign or domestic, for any purpose required by statute or otherwise.

2. All legal process and any demand or notice authorized by law to be served upon a business trust may be served upon its ~~[resident]~~ ***registered*** agent in the manner provided in subsection 2 of NRS 14.020. If a demand, notice or legal process, other than a summons and complaint, cannot be served upon the ~~[resident]~~ ***registered*** agent, it may be served in the manner provided in NRS 14.030. These manners of service are in addition to any other service authorized by law.

Sec. 154. NRS 88A.530 is hereby amended to read as follows:

88A.530 1. ~~[A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the business trust for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➥ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected business trust appointing a successor resident agent. A certificate of acceptance signed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the business trust appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the business trust of the filing of the statement of resignation and its effect. The notice must be addressed to a trustee of the business trust other than the resident agent.~~

~~4.~~] If its ~~[resident agent dies, resigns or removes from the State,]~~ ***registered agent resigns pursuant to section 37 of this act or if its commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act,*** a business trust, ~~[within 30 days thereafter,]~~ ***before the effective date of the resignation or termination,*** shall file with the Secretary of State a ~~[certificate of acceptance signed by a new resident agent. The certificate must set forth the full name and complete street address of the new resident agent, and may contain a mailing address, such as a post office box, different from the street address.~~

~~5.~~] ***statement of change of registered agent pursuant to section 34 of this act.***

***2.*** A business trust that fails to ~~[file a certificate of acceptance signed by its new resident agent within 30 days after the death, resignation or removal of its former resident agent]~~ ***comply with subsection 1*** shall be deemed in default and is subject to the provisions of NRS 88A.630 to 88A.660, inclusive.

***3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.***

Sec. 155. NRS 88A.600 is hereby amended to read as follows:

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the last day of the first month after the filing of its certificate of trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list signed by at least one trustee that contains the name and street address of ~~[its lawfully designated resident agent in this State and]~~ at least one trustee ~~[.]~~ ***and the information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act.*** Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the business trust:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of $125.

3. If a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

4. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of a business trust to receive the forms does not excuse it from the penalty imposed by law.

5. An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 156. NRS 88A.640 is hereby amended to read as follows:

88A.640 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each business trust deemed in default pursuant to the provisions of this chapter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

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

3. The Secretary of State shall compile a complete list containing the names of all business trusts whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each business trust specified in subsection 3 of the revocation of its certificate of trust. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

5. If the certificate of trust is revoked and the right to transact business is forfeited, all the property and assets of the defaulting business trust must be

held in trust by its trustees as for insolvent business trusts, and the same proceedings may be had with respect thereto as are applicable to insolvent business trusts. Any person interested may institute proceedings at any time after a forfeiture has been declared, but, if the Secretary of State reinstates the certificate of trust, the proceedings must at once be dismissed.

Sec. 157. NRS 88A.650 is hereby amended to read as follows:

88A.650 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a business trust which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the business trust its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State :

(1) The ~~*[the]*~~ list required by NRS 88A.600; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.600 and 88A.630 for each year or portion thereof during which its certificate of trust was revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the business trust, he shall issue to the business trust a certificate of reinstatement if the business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the certificate of trust occurred only by reason of the failure to file the list or pay the fees and penalties.

4. If a certificate of business trust has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the certificate must not be reinstated.

Sec. 158. NRS 88A.710 is hereby amended to read as follows:

88A.710 Before transacting business in this State, a foreign business trust shall register with the Secretary of State. In order to register, a foreign business trust shall submit to the Secretary of State an application for registration as a foreign business trust, signed by a trustee **.** ~~[, and a signed certificate of acceptance of a resident agent.]~~ The application for registration must set forth:

1. The name of the foreign business trust and, if different, the name under which it proposes to register and transact business in this State;

2. The state and date of its formation;

3. The ~~[name and address of the resident agent whom the foreign business trust elects to appoint;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;***

4. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign business trust; and

5. The name and address, either residence or business, of one trustee.

Sec. 159. NRS 88A.732 is hereby amended to read as follows:

88A.732 1. Each foreign business trust doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign business trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign business trust;

(b) The file number of the foreign business trust, if known;

(c) The name of at least one of its trustees;

(d) The address, either residence or business, of the trustee listed pursuant to paragraph (c);

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ ***information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act;*** and

(f) The signature of a trustee of the foreign business trust certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign business trust:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $125.

(b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of $125.

4. If a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of $75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign business trust to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date ~~[must]~~ ***shall*** be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 160. NRS 88A.736 is hereby amended to read as follows:

88A.736 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign business trust deemed in default pursuant to NRS 88A.735. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of the filing of the certificate of trust occurs, the Secretary of State shall compile a complete list containing the names of all foreign business trusts whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ ***registered*** agent, each foreign business trust specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ ***registered*** agent, may be provided electronically.

Sec. 161. NRS 88A.737 is hereby amended to read as follows:

88A.737 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign business trust which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign business trust its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State :

(1) The ~~*[the]*~~ list required by NRS 88A.732; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.732 and 88A.735 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the foreign business trust, he shall issue to the foreign business trust a certificate of reinstatement if the foreign business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign business trust to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 162. NRS 88A.900 is hereby amended to read as follows:

88A.900 The Secretary of State shall charge and collect the following fees for:

1. Filing an original certificate of trust, or for registering a foreign business trust, $75.

2. Filing an amendment or restatement, or a combination thereof, to a certificate of trust, $175.

3. Filing a certificate of cancellation, $75.

4. Certifying a copy of a certificate of trust or an amendment or restatement, or a combination thereof, $30 per certification.

5. Certifying an authorized printed copy of this chapter, $30.

6. Reserving a name for a business trust, $25.

7. Signing a certificate of existence of a business trust which does not list the previous records relating to it, or a certificate of change in the name of a business trust, $50.

8. Signing a certificate of existence of a business trust which lists the previous records relating to it, $50.

9. ~~[Filing a statement of change of the resident agent, $60.~~

~~10.]~~ Signing, certifying or filing any certificate or record not otherwise provided for in this section, $50.

~~[11.]~~ ***10.*** Examining and provisionally approving a record before the record is presented for filing, $125.

~~[12.]~~ ***11.*** Copying a record on file with him, for each page, $2.

Sec. 163. NRS 89.256 is hereby amended to read as follows:

89.256 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any professional association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its privileges and immunities if it:

(a) Files with the Secretary of State :

(1) The ~~*[the]*~~ list and certification required by NRS 89.250; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ ***The information required pursuant to section 31 of this act;*** and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of $300 for reinstatement.

2. When the Secretary of State reinstates the professional association, he shall issue to the professional association a certificate of reinstatement if the professional association:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection ~~[8]~~ ***7*** of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the articles of association occurred only by reason of the failure to pay the fees and penalties.

4. If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.

Sec. 164. Chapter 92A of NRS is hereby amended by adding thereto a new section to read as follows:

***"Principal office" has the meaning ascribed to it in NRS 78.010.***

Sec. 165. NRS 92A.005 is hereby amended to read as follows:

92A.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 92A.007 to 92A.097, inclusive, ***and section 164 of this act*** have the meanings ascribed to them in those sections.

Sec. 166. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, 82, 86, 88, 88A or 89 of NRS.

(c) ~~[A certificate of acceptance of appointment of a resident agent for the resulting entity which is signed by the resident agent.]~~ ***The information required pursuant to section 31 of this act.***

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

Sec. 167. NRS 92A.270 is hereby amended to read as follows:

92A.270 1. Any undomesticated organization may become domesticated in this State as a domestic entity by:

(a) Paying to the Secretary of State the fees required pursuant to this title for filing the charter document; and

(b) Filing with the Secretary of State:

(1) Articles of domestication which must be signed by an authorized representative of the undomesticated organization approved in compliance with subsection 6; ~~*[and]*~~

(2) The appropriate charter document for the type of domestic entity ~~*[.]*~~ ; and

(3) ~~[A certificate of acceptance of appointment of a resident agent for the domestic entity which is signed by the resident agent.]~~ ***The information required pursuant to section 31 of this act.***

2. The articles of domestication must set forth the:

(a) Date when and the jurisdiction where the undomesticated organization was first formed, incorporated, organized or otherwise created;

(b) Name of the undomesticated organization immediately before filing the articles of domestication;

(c) Name and type of domestic entity as set forth in its charter document pursuant to subsection 1; and

(d) Jurisdiction that constituted the principal place of business or central administration of the undomesticated organization, or any other equivalent thereto pursuant to applicable law,

➥ immediately before filing the articles of domestication.

3. Upon filing the articles of domestication ~~[,]~~ ***and*** the charter document ~~[and the certificate of acceptance of appointment of a resident agent]~~ with the Secretary of State, and the payment of the requisite fee for filing the charter document of the domestic entity, the undomesticated organization is

domesticated in this State as the domestic entity described in the charter document filed pursuant to subsection 1. The existence of the domestic entity begins on the date the undomesticated organization began its existence in the jurisdiction in which the undomesticated organization was first formed, incorporated, organized or otherwise created.

4. The domestication of any undomesticated organization does not affect any obligations or liabilities of the undomesticated organization incurred before its domestication.

5. The filing of the charter document of the domestic entity pursuant to subsection 1 does not affect the choice of law applicable to the undomesticated organization. From the date the charter document of the domestic entity is filed, the law of this State applies to the domestic entity to the same extent as if the undomesticated organization was organized and created as a domestic entity on that date.

6. Before filing articles of domestication, the domestication must be approved in the manner required by:

(a) The document, instrument, agreement or other writing governing the internal affairs of the undomesticated organization and the conduct of its business; and

(b) Applicable foreign law.

7. When a domestication becomes effective, all rights, privileges and powers of the undomesticated organization, all property owned by the undomesticated organization, all debts due to the undomesticated organization, and all causes of action belonging to the undomesticated organization are vested in the domestic entity and become the property of the domestic entity to the same extent as vested in the undomesticated organization immediately before domestication. The title to any real property vested by deed or otherwise in the undomesticated organization is not reverted or impaired by the domestication. All rights of creditors and all liens upon any property of the undomesticated organization are preserved unimpaired and all debts, liabilities and duties of an undomesticated organization that has been domesticated attach to the domestic entity resulting from the domestication and may be enforced against it to the same extent as if the debts, liability and duties had been incurred or contracted by the domestic entity.

8. When an undomesticated organization is domesticated, the domestic entity resulting from the domestication is for all purposes deemed to be the same entity as the undomesticated organization. Unless otherwise agreed by the owners of the undomesticated organization or as required pursuant to applicable foreign law, the domestic entity resulting from the domestication is not required to wind up its affairs, pay its liabilities or distribute its assets. The domestication of an undomesticated organization does not constitute the dissolution of the undomesticated organization. The domestication constitutes a continuation of the existence of the undomesticated organization in the form of a domestic entity. If, following domestication, an

undomesticated organization that has become domesticated pursuant to this section continues its existence in the foreign country or foreign jurisdiction in which it was existing immediately before the domestication, the domestic entity and the undomesticated organization are for all purposes a single entity formed, incorporated, organized or otherwise created and existing pursuant to the laws of this State and the laws of the foreign country or other foreign jurisdiction.

9. As used in this section, "undomesticated organization" means any incorporated organization, private law corporation, whether or not organized for business purposes, public law corporation, general partnership, registered limited-liability partnership, limited partnership or registered limited-liability limited partnership, proprietorship, joint venture, foundation, business trust, real estate investment trust, common-law trust or any other unincorporated business formed, organized, created or the internal affairs of which are governed by the laws of any foreign country or jurisdiction other than the United States, the District of Columbia or another state, territory, possession, commonwealth or dependency of the United States.

Sec. 168. NRS 92A.460 is hereby amended to read as follows:

92A.460 1. Except as otherwise provided in NRS 92A.470, within 30 days after receipt of a demand for payment, the subject corporation shall pay each dissenter who complied with NRS 92A.440 the amount the subject corporation estimates to be the fair value of his shares, plus accrued interest. The obligation of the subject corporation under this subsection may be enforced by the district court:

(a) Of the county where the corporation's ~~[registered]~~ ***principal*** office is located; ~~[or]~~

(b) ***If the corporation's principal office is not located in this State, in Carson City; or***

***(c)*** At the election of any dissenter residing or having its ~~[registered]~~ ***principal*** office in this State, of the county where the dissenter resides or has its ~~[registered]~~ ***principal*** office.

➥ The court shall dispose of the complaint promptly.

2. The payment must be accompanied by:

(a) The subject corporation's balance sheet as of the end of a fiscal year ending not more than 16 months before the date of payment, a statement of income for that year, a statement of changes in the stockholders' equity for that year and the latest available interim financial statements, if any;

(b) A statement of the subject corporation's estimate of the fair value of the shares;

(c) An explanation of how the interest was calculated;

(d) A statement of the dissenter's rights to demand payment under NRS 92A.480; and

(e) A copy of NRS 92A.300 to 92A.500, inclusive.

Sec. 169. NRS 92A.490 is hereby amended to read as follows:

92A.490 1. If a demand for payment remains unsettled, the subject corporation shall commence a proceeding within 60 days after receiving the demand and petition the court to determine the fair value of the shares and accrued interest. If the subject corporation does not commence the proceeding within the 60-day period, it shall pay each dissenter whose demand remains unsettled the amount demanded.

2. A subject corporation shall commence the proceeding in the district court of the county where its ~~[registered]~~ ***principal*** office is located. If the ***principal office of the*** subject corporation is ~~[a foreign entity without a resident agent]~~ ***not located*** in the State, it shall commence the proceeding in the county where the ~~[registered]~~ ***principal*** office of the domestic corporation merged with or whose shares were acquired by the foreign entity was located. ***If the principal office of the subject corporation and the domestic corporation merged with or whose shares were acquired is not located in this State, the subject corporation shall commence the proceeding in the district court in Carson City.***

3. The subject corporation shall make all dissenters, whether or not residents of Nevada, whose demands remain unsettled, parties to the proceeding as in an action against their shares. All parties must be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law.

4. The jurisdiction of the court in which the proceeding is commenced under subsection 2 is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers have the powers described in the order appointing them, or any amendment thereto. The dissenters are entitled to the same discovery rights as parties in other civil proceedings.

5. Each dissenter who is made a party to the proceeding is entitled to a judgment:

(a) For the amount, if any, by which the court finds the fair value of his shares, plus interest, exceeds the amount paid by the subject corporation; or

(b) For the fair value, plus accrued interest, of his after-acquired shares for which the subject corporation elected to withhold payment pursuant to NRS 92A.470.

Sec. 170. NRS 14.020 is hereby amended to read as follows:

14.020 1. Every corporation, miscellaneous organization described in chapter 81 of NRS, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust and municipal corporation created and existing under the laws of this State, any other state, territory or foreign government, or the Government of the United States, doing business in this State shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent who resides or is located in this State, upon whom all legal process and any demand or notice authorized by law to be served upon it may be served in the manner provided in subsection 2. ~~[The corporation, miscellaneous organization, limited-liability company, limited-~~

~~liability partnership, limited partnership, limited liability limited partnership, business trust or municipal corporation shall file with the Secretary of State a certificate of acceptance of appointment signed by its resident agent. The certificate must set forth the full name and street address of the resident agent. A certificate]~~ ***A statement*** of change of ~~[resident]~~ ***registered*** agent must be filed in the manner provided in ~~[title 7 of NRS]~~ ***section 34 of this act*** if the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation desires to change its ~~[resident agent. A certificate of name change of resident agent must be filed]~~ ***registered agent. A registered agent must file a statement of change*** in the manner provided in ~~[title 7 of NRS]~~ ***section 35 or 36 of this act*** if the ~~[name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment.]~~ ***registered agent changes its name or address.***

2. All legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation may be served upon the ~~[resident]~~ ***registered*** agent personally or by leaving a true copy thereof with a person of suitable age and discretion at the ***most recent street*** address of the registered ~~[office]~~ ***agent*** shown on the ~~[current certificate of acceptance]~~ ***information*** filed with the Secretary of State ~~[.]~~ ***pursuant to sections 2 to 43, inclusive, of this act.***

3. Unless the ~~[registered office]~~ ***street address of the registered agent*** is the home residence of the ~~[resident]~~ ***registered*** agent, the ~~[registered office]~~ ***street address of the registered agent*** of a corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation must be staffed during normal business hours by:

(a) The ~~[resident]~~ ***registered*** agent; or

(b) One or more natural persons who are:

(1) Of suitable age and discretion to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation; and

(2) Authorized by the ~~[resident]~~ ***registered*** agent to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation.

4. A corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation that fails or refuses to

comply with the requirements of subsection 3 is subject to a fine of not less than $100 nor more than $500 for each day of such failure or refusal to comply with the requirements of subsection 3, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

5. Subsection 2 provides an additional mode and manner of serving process, demand or notice and does not affect the validity of any other service authorized by law.

6. As used in this section:

(a) "Registered ~~[office" means the office maintained at the street address of the resident agent.]~~ ***agent" has the meaning ascribed to it in section 24 of this act.***

(b) "Street address" means the actual physical location in this State at which a ~~[resident]~~ ***registered*** agent is available for service of process.

Sec. 171. NRS 14.030 is hereby amended to read as follows:

14.030 1. If any artificial person described in NRS 14.020 fails to appoint a ~~[resident]~~ ***registered*** agent, or fails to file a ~~[certificate of acceptance of appointment for 30 days after]~~ ***statement of change of registered agent pursuant to section 34 of this act before the effective date of*** a vacancy ~~[occurs]~~ in the agency ~~[,]~~ ***pursuant to section 33 or 37 of this act,*** on the production of a certificate of the Secretary of State showing either fact, which is conclusive evidence of the fact so certified to be made a part of the return of service, or if the ~~[registered office]~~ ***street address of the registered agent*** of the artificial person is not staffed as required pursuant to NRS 14.020, which fact is to be made part of the return of service, the artificial person may be served with any and all legal process, or a demand or notice described in NRS 14.020, by delivering a copy to the Secretary of State, or, in his absence, to any deputy secretary of state, and such service is valid to all intents and purposes. The copy must:

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

(b) Be accompanied by a fee of $10.

➥ The Secretary of State shall keep a copy of the legal process received pursuant to this section in his office for at least 1 year after receipt thereof and shall make those records available for public inspection during normal business hours.

2. In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.

3. Before such service is authorized, the plaintiff shall make or cause to be made and filed an affidavit setting forth the facts, showing that due diligence has been used to ascertain the whereabouts of the officers of the artificial person to be served, and the facts showing that direct or personal service on, or notice to, the artificial person cannot be had.

4. If it appears from the affidavit that there is a last known address of the artificial person or any known officers thereof, the plaintiff shall, in addition to and after such service on the Secretary of State, mail or cause to be mailed to the artificial person or to the known officer, at such address, by registered or certified mail, a copy of the summons and a copy of the complaint, and in all such cases the defendant has 40 days after the date of the mailing within which to appear in the action.

5. This section provides an additional manner of serving process, and does not affect the validity of any other valid service.

***Sec. 171.2.*** **NRS 21.075 is hereby amended to read as follows:**

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person

upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

***21. Stock of a corporation described in subsection 2 of section 43.5 of this act except as set forth in that section.***

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

***Sec. 171.4.*** **NRS 21.090 is hereby amended to read as follows:**

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (o), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (n), (r) and (s), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances

belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed $350,000 in value and the dwelling is situated upon lands not owned by him.

(n) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. §

529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(t) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(u) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(v) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as restitution for a criminal act.

(x) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

***(y) Stock of a corporation described in subsection 2 of section 43.5 of this act except as set forth in that section.***

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

***Sec. 171.6.*** **NRS 31.045 is hereby amended to read as follows:**

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ..... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than $15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

***21. Stock of a corporation described in subsection 2 of section 43.5 of this act except as set forth in that section.***

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

***Sec. 171.8.*** **NRS 31.050 is hereby amended to read as follows:**

31.050 Subject to the order for attachment and the provisions of ***section 43.5 of this act and*** chapter 104 of NRS, the right of shares which the defendant may have in the stock of any corporation or company, together with the interest and profits therein, and all debts due such defendant, and all other property in this State of such defendant not exempt from execution, may be attached, and if judgment be recovered, be sold to satisfy the judgment and execution.

Sec. 172. NRS 108.227 is hereby amended to read as follows:

108.227 1. In addition to the requirements of NRS 108.226, a copy of the notice of lien must be served upon the owner of the property within 30 days after recording the notice of lien, in one of the following ways:

(a) By personally delivering a copy of the notice of lien to the owner or ~~[resident]~~ ***registered*** agent of the owner;

(b) By mailing a copy of the notice of lien by certified mail return receipt requested to the owner at his place of residence or his usual place of business or to the ~~[resident]~~ ***registered*** agent of the owner at the address of the ~~[resident]~~ ***registered*** agent; or

(c) If the place of residence or business of the owner and the address of the ~~[resident]~~ ***registered*** agent of the owner, if applicable, cannot be determined, by:

(1) Fixing a copy of the notice of lien in a conspicuous place on the property;

(2) Delivering a copy of the notice of lien to a person there residing, if such a person can be found; and

(3) Mailing a copy of the notice of lien addressed to the owner at:

(I) The place where the property is located;

(II) The address of the owner as identified in the deed;

(III) The address identified in the records of the office of the county assessor; or

(IV) The address identified in the records of the county recorder of the county in which the property is located.

2. If there is more than one owner, failure to serve a copy of the notice of lien upon a particular owner does not invalidate a notice of lien if properly served upon another owner.

3. Each subcontractor who participates in the construction, improvement, alteration or repair of a work of improvement shall deliver a copy of each notice of lien required by NRS 108.226 to the prime contractor. The failure of a subcontractor to deliver the notice to the prime contractor is a ground for disciplinary proceedings pursuant to chapter 624 of NRS.

Sec. 173. NRS 273.010 is hereby amended to read as follows:

273.010 1. Every municipal corporation organized in another state, that enters this State to do business, shall, before commencing work or doing any business in this State, file in the Office of the Secretary of State:

(a) A certified copy of its charter, or of the statute or statutes, or legislative, executive or governmental acts, or other instruments of authority by which it was created; and

(b) ~~[A certificate of acceptance of appointment executed by the resident agent of the corporation.]~~ ***The information required*** ~~***[by subsection 1 of]***~~ ***pursuant to section 31 of this act.***

2. A certified copy of the charter, papers or other instruments and the ~~[certificate of acceptance,]~~ ***information required*** ~~***[by subsection 1 of]***~~ ***pursuant to section 31 of this act,*** certified by the Secretary of State of this

State, must also be filed in the office of the county clerk of the county where the principal place of business of the municipality in this State is located.

Sec. 174. NRS 273.050 is hereby amended to read as follows:

273.050 Every foreign municipal corporation owning property or doing business in this State shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent as provided in NRS 14.020.

Sec. 175. NRS 293.128 is hereby amended to read as follows:

293.128 1. To qualify as a major political party, any organization must, under a common name:

(a) On January 1 preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or

(b) File a petition with the Secretary of State not later than the last Friday in April before any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to his best information and belief and that the signatures are genuine and were signed in his presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in April preceding a primary election.

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:

(a) Name of the political party;

(b) Names and addresses of its officers;

(c) Names of the members of its executive committee; and

(d) Name of the person who is authorized by the party to act as ~~[resident]~~ ***registered*** agent in this State. ~~*[The information required by subsection 1 of section 31 of this act.]*~~

4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.

Sec. 176. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by him.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

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

(e) The name, address and telephone number of its ~~[resident]~~ ***registered*** agent; ~~*[information required by subsection 1 of section 31 of this act and the telephone number of the registered agent appointed pursuant this paragraph;]*~~ and

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

3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

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

Sec. 177. NRS 294A.240 is hereby amended to read as follows:

294A.240 Each committee for political action shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent ***, as provided in NRS 14.020,*** who must be a natural person who resides in this State.

Sec. 178. NRS 294A.250 is hereby amended to read as follows:

294A.250 Each committee for the recall of a public officer shall register with the Secretary of State, on a form provided by him. Each form must include:

1. The name of the committee;

2. The purpose for which it was organized;

3. The names and addresses of its officers; and

4. If the committee is organized and located outside this State, the name and address of its ~~[resident]~~ ***registered*** agent. ~~*[the information required by subsection 1 of section 31 of this act.]*~~

Sec. 179. NRS 294A.260 is hereby amended to read as follows:

294A.260 Each committee for the recall of a public officer which is organized and located outside this State shall appoint and keep in this State a ~~[resident]~~ ***registered*** agent ***, as provided in NRS 14.020,*** who must be a natural person residing in this State.

Sec. 180. NRS 370.665 is hereby amended to read as follows:

370.665 1. A manufacturer of tobacco products whose cigarettes are sold in this State, whether or not directly or through a distributor, retailer or similar intermediary or intermediaries shall, not later than April 30 of each year, execute and deliver to the Attorney General and the Department, on a form provided by the Department, a certification which certifies under penalty of perjury that, as of the date of that certification, the manufacturer of tobacco products is either:

(a) A participating manufacturer; or

(b) In full compliance with subsection 2 of NRS 370A.140, including any quarterly installment payments required pursuant to NRS 370.690.

2. Except as otherwise provided in NRS 370.670:

(a) A participating manufacturer shall include in its certification pursuant to this section a list of its brand families. The participating manufacturer shall update that list at least 30 calendar days before it adds to or modifies its brand families by executing and delivering a supplemental certification to the Attorney General and the Department.

(b) A nonparticipating manufacturer shall, in its certification pursuant to this section:

(1) Include:

(I) A list of all of its brand families and the number of units sold for each brand family that were sold in the State during the preceding calendar year; and

(II) A list of all of its brand families that have been sold in the State at any time during the current calendar year;

(2) Indicate, by an asterisk, any brand family sold in the State during the preceding calendar year that is no longer being sold in the State as of the date of the certification; and

(3) Identify, by name and address, any other manufacturer of those brand families in the preceding or current calendar year.

➥ A nonparticipating manufacturer shall update the information required by this paragraph at least 30 calendar days before it adds to or modifies its brand families by executing and delivering a supplemental certification to the Attorney General and the Department.

3. In addition to the requirements of subsection 2, the certification of a nonparticipating manufacturer pursuant to this section must certify:

(a) That the nonparticipating manufacturer is registered to do business in the State or has appointed ~~[a resident]~~ ***an*** agent for service of process and provided notice thereof as required by NRS 370.680;

(b) That the nonparticipating manufacturer has:

(1) Established and continues to maintain a qualified escrow fund; and

(2) Executed a qualified escrow agreement governing the qualified escrow fund that has been reviewed and approved by the Attorney General;

(c) That the nonparticipating manufacturer is in full compliance with chapter 370A of NRS and any regulations adopted pursuant thereto;

(d) The name, address and telephone number of the financial institution where the nonparticipating manufacturer has established the qualified escrow fund required pursuant to chapter 370A of NRS and any regulations adopted pursuant thereto;

(e) The account number of that qualified escrow fund and any subaccount number for this State;

(f) The amount the nonparticipating manufacturer placed in that qualified escrow fund for cigarettes sold in the State during the preceding calendar year, the date and amount of each such deposit, and such evidence or verification as may be deemed necessary by the Department to confirm the information required by this paragraph; and

(g) The amount and date of any withdrawal or transfer of money the nonparticipating manufacturer made at any time from that qualified escrow fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to chapter 370A of NRS and any regulations adopted pursuant thereto.

Sec. 181. NRS 463.311 is hereby amended to read as follows:

463.311 The Commission may issue an emergency order for suspension, limitation or conditioning of a license, registration, finding of suitability, pari-mutuel license or prior approval, or may issue an emergency order requiring a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay such licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment in the following manner:

1. An emergency order may be issued only when the Commission believes that:

(a) There has been a violation of subsection 2 of NRS 463.360 or NRS 465.083;

(b) Such action is necessary to prevent a violation of NRS 465.083;

(c) There has been a violation of subsection 1 of NRS 463.160; or

(d) Such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare.

2. The emergency order must set forth the grounds upon which it is issued, including a statement of facts constituting the alleged emergency necessitating such action.

3. An emergency order may be issued only with the approval of and upon signature by not less than three members of the Commission.

4. The emergency order is effective immediately upon issuance and service upon the licensee or ~~[resident]~~ ***registered*** agent of the licensee or, in cases involving registrations, findings of suitability, pari-mutuel licenses or any prior approval, upon issuance and service upon the person or entity involved or ~~[resident]~~ ***registered*** agent of the entity involved. The emergency order may suspend, limit, condition or take other action in relation to the license of one or more persons in an operation without affecting other individual licensees or the licensed gaming establishment. The emergency order remains effective until further order of the Commission or final disposition of the case.

5. Within 5 days after issuance of an emergency order, the Commission shall cause a complaint to be filed and served upon the person or entity involved in accordance with the provisions of NRS 463.312.

6. Thereafter, the person or entity against whom the emergency order has been issued and served is entitled to a hearing before the Commission in accordance with NRS 463.312 to 463.3145, inclusive, and to judicial review of the decision and order of the Commission thereon in accordance with NRS 463.315 to 463.318, inclusive.

Sec. 182. NRS 519A.190 is hereby amended to read as follows:

519A.190 A person who desires to engage in an exploration project must:

1. File with the Division, upon a form approved by it, an application for a permit. The application must include:

(a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its ~~[resident]~~ ***registered*** agent for service of process;

(b) An exploration map or sketch in sufficient detail to enable the Division to locate the area to be explored and to determine whether significant environmental problems are likely to result;

(c) The kinds of prospecting and excavation techniques that will be used in the exploration project; and

(d) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project.

4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.

5. File with the Division a bond or other surety in a form approved by the Administrator and in an amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

Sec. 183. NRS 519A.210 is hereby amended to read as follows:

519A.210 A person who desires to engage in a mining operation must:

1. File with the Division, upon a form approved by it, an application for a permit for each location at which he will conduct operations. The application must include:

(a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its ~~[resident]~~ ***registered*** agent for service of process;

(b) A completed checklist developed by the Division pursuant to NRS 519A.220; and

(c) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Agree in writing to assume responsibility for the reclamation of any land damaged as a result of the mining operation.

4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.

5. File with the Division a bond or other surety in a form and amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

6. File with the Division of Minerals of the Commission on Mineral Resources a copy of the plan for reclamation which is filed with the application pursuant to subsection 1, on the same day the application is filed with the Division.

Sec. 184. NRS 598.767 is hereby amended to read as follows:

598.767 An organization shall file with the Division ~~[a designation and acceptance of]~~ ***the information required*** ~~*[by subsection 1 of]*~~ ***pursuant to section 31 of this act*** and continuously maintain a ~~[resident]~~ ***registered*** agent for service of legal process.

***Sec. 184.5.*** **Chapter 604A of NRS is hereby amended by adding thereto a new section to read as follows:**

***If the Commissioner receives information from a registered agent pursuant to section 40.2 of this act which indicates that a person may be violating the provisions of this chapter, the Commissioner shall investigate the person and take any appropriate action pursuant thereto.***

***Sec. 184.7.*** **NRS 604A.710 is hereby amended to read as follows:**

604A.710 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business of making loans or participating in such business as principal, agent, broker or otherwise; ~~[and]~~

(c) ***Any registered agent who represents a licensee or any other person engaged in the business of making loans; and***

***(d)*** Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.

3. ***The investigation of a registered agent pursuant to subsection 1, including, without limitation, any books, accounts, papers and records used therein must be kept confidential except to the extent necessary to enforce any provision of this chapter.***

***4.*** For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make any deferred deposit loan, short-term loan or title loan is presumed to be engaged in the business of making loans.

***Sec. 184.9.*** **NRS 604A.810 is hereby amended to read as follows:**

604A.810 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may, in addition to all actions provided for

in this chapter and without prejudice thereto, enter an order requiring the person to desist or to refrain from such violation.

2. The Attorney General or the Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business ~~[.]~~ ***, whether such books, papers, documents and records are in the possession of the defendant, a registered agent acting on behalf of the defendant or any other person.*** A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.

Sec. 185. NRS 616B.398 is hereby amended to read as follows:

616B.398 An association of self-insured public or private employers shall be deemed to have appointed the Commissioner as its ~~[resident]~~ agent to receive any initial legal process authorized by law to be served upon the association for as long as the association is obligated to pay any compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

Sec. 186. NRS 616B.679 is hereby amended to read as follows:

616B.679 1. Each application must include:

(a) The applicant's name and title of his position with the employee leasing company.

(b) The applicant's age, place of birth and social security number.

(c) The applicant's address.

(d) The business address of the employee leasing company.

(e) The business address of the ~~[resident]~~ ***registered*** agent of the employee leasing company, if the applicant is not the ~~[resident]~~ ***registered*** agent.

(f) If the applicant is a:

(1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner.

(2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.

(g) Proof of:

(1) Compliance with the provisions of NRS 360.780.

(2) The payment of any premiums for industrial insurance required by chapters 616A to 617, inclusive, of NRS.

(3) The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.

(4) Insurance coverage for any benefit plan from an insurer authorized pursuant to title 57 of NRS that is offered by the employee leasing company to its employees.

(h) Any other information the Administrator requires.

2. Each application must be notarized and signed under penalty of perjury:

(a) If the applicant is a sole proprietorship, by the sole proprietor.

(b) If the applicant is a partnership, by each partner.

(c) If the applicant is a corporation, by each officer of the corporation.

3. An applicant shall submit to the Administrator any change in the information required by this section within 30 days after the change occurs. The Administrator may revoke the certificate of registration of an employee leasing company which fails to comply with the provisions of NRS 616B.670 to 616B.697, inclusive.

4. If an insurer cancels an employee leasing company's policy, the insurer shall immediately notify the Administrator in writing. The notice must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the Administrator.

Sec. 187. NRS 628.440 is hereby amended to read as follows:

628.440 1. This chapter does not prohibit any person from serving as an employee of, or an assistant to, a certified public accountant or registered public accountant who holds a live permit, or a partnership, corporation or limited-liability company composed of certified public accountants or registered public accountants registered pursuant to NRS 628.340, 628.343, 628.345, 628.360, 628.363 or 628.365 if the employee or assistant does not issue any accounting or financial statement over his name.

2. The Board may adopt regulations providing for the issuance of temporary permits to persons who do not hold live permits and do not have a registered office or residence in this State, or to partnerships, corporations and limited-liability companies which are not registered and have no registered office, to permit those persons, partnerships, corporations and limited-liability companies to fulfill specific engagements or employments in this State. A temporary permit:

(a) Is valid for no more than 6 months;

(b) Covers only one engagement; and

(c) May not be issued to any person unless he is a certified public accountant or registered public accountant of another state or jurisdiction of the United States approved by the Board, or to any partnership, corporation or limited-liability company unless all of the partners, shareholders or members thereof are certified public accountants or registered public accountants of another state or a jurisdiction of the United States approved by the Board.

3. Each person, partnership, corporation and limited-liability company applying for a temporary permit shall file with the Board a designation and acceptance of ~~[a resident]~~ ***an*** agent for service of legal process and shall pay a fee established by the Board by regulation before commencing work for a client.

4. The person, partner, shareholder or member who is responsible for the conduct of the engagement shall be deemed to be personally engaged in the practice of public accounting in this State, and must meet all requirements of NRS 628.310 and requirements for continuing education.

5. A person who holds a temporary permit is subject to all of the provisions of this chapter relating to discipline. The Board may refuse to act upon an application for further permits for a period of time set by the Board, or may refuse to issue a temporary permit to any person, partnership corporation or limited-liability company if disciplinary proceedings are pending in any jurisdiction.

Sec. 188. NRS 662.235 is hereby amended to read as follows:

662.235 1. Any bank organized under this title may state in its articles of incorporation that it will carry on a trust company business in connection with the banking business, and in addition to the powers conferred upon banks may:

(a) Act as trustee under any mortgage or bond of any person, firm or corporation, or of any municipality or body politic.

(b) Accept and execute any municipal, corporate or individual trust not inconsistent with the laws of this State.

(c) Act under the order or appointment of any court as guardian, commissioner, receiver or trustee.

(d) Act as executor or trustee under any will.

(e) Act as fiscal or transfer agent of any state, municipality, body politic or corporation, and in a capacity to receive and disburse money and register, transfer and countersign certificates of stock, bonds and other evidences of indebtedness.

(f) Act as local or ~~[resident]~~ ***registered*** agent of foreign corporations.

2. Any such bank holding any asset as a fiduciary shall:

(a) Segregate all such assets from any other assets of the bank and from the assets of any other trust, except as may be expressly provided otherwise by law or by the writing creating the trust.

(b) Record such assets in a separate set of books maintained for fiduciary activities.

Sec. 189. NRS 669.080 is hereby amended to read as follows:

669.080 1. This chapter does not apply to a person who:

(a) Does business under the laws of this State, the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies, but if the business conducted in this State is not subject to supervision by a regulatory authority of another jurisdiction, the person must be licensed pursuant to this chapter;

(b) Is appointed as a fiduciary pursuant to NRS 662.245;

(c) Is acting in the performance of his duties as an attorney at law;

(d) Acts as a trustee under a deed of trust;

(e) Acts as a ~~[resident]~~ ***registered*** agent for a domestic or foreign corporation, limited-liability company, limited partnership or limited-liability partnership;

(f) Acts as a trustee of a trust holding real property for the primary purpose of facilitating any transaction with respect to real estate if he is not regularly engaged in the business of acting as a trustee for such trusts;

(g) Engages in the business of a collection agency pursuant to chapter 649 of NRS;

(h) Engages in the business of an escrow agency, escrow agent or escrow officer pursuant to the provisions of chapter 645A or 692A of NRS;

(i) Acts as a trustee of a trust created for charitable or nonprofit purposes if he is not regularly engaged in the business of acting as trustee for such trusts;

(j) Receives money or other property as a real estate broker licensed under chapter 645 of NRS on behalf of a principal;

(k) Engages in transactions as a broker-dealer or sales representative pursuant to chapter 90 of NRS;

(l) Acts as a fiduciary under a court trust;

(m) Does business as an insurer authorized to issue policies of life insurance and annuities or endowment contracts in this State and is subject to regulation and control of the Commissioner of Insurance; or

(n) Acts as a fiduciary if:

(1) The fiduciary relationship is not one of his principal occupations; or

(2) He serves as a fiduciary for a relative by blood or marriage.

2. A bank, savings bank, savings and loan association or thrift company claiming an exemption from this chapter pursuant to paragraph (a) of subsection 1 must notify the Commissioner of Financial Institutions of its intention to engage in the business of a trust company in this State and present proof satisfactory to the Commissioner of Financial Institutions that its fiduciary activities in this State will be subject to regulation by another jurisdiction.

Sec. 190. NRS 669.210 is hereby amended to read as follows:

669.210 1. Each licensed trust company may:

(a) Act as trustee under any mortgage or bond of any person or of any municipality or body politic.

(b) Accept and execute any municipal or corporate or individual trust not inconsistent with the laws of this State.

(c) Act under the order or appointment of any court as guardian, administrator, receiver or trustee.

(d) Act as executor or trustee under any will.

(e) Act as fiscal or transfer agent of any state, municipality, body politic or corporation, and in such capacity receive and disburse money and register,

transfer and countersign certificates of stock, bonds and other evidences of indebtedness.

(f) Act as local or ~~[resident]~~ ***registered*** agent of foreign corporations.

(g) Accept and execute any trust business permitted by any law.

(h) Acquire the fiduciary rights, powers, duties and liabilities of a bank, savings and loan association, thrift company, trust company or credit union licensed pursuant to titles 55 and 56 of NRS, and upon the effective date of such an acquisition, the fiduciary rights, powers, duties and liabilities of the bank, savings and loan association, thrift company, trust company or credit union vest in and must be performed by the acquiring trust company.

(i) Do and perform all acts necessary to exercise the powers enumerated in this subsection and authorized by this chapter and any other applicable laws of this State.

2. A trust company may not engage in any banking business by accepting deposits or making loans.

***Sec. 190.5.*** **Chapter 675 of NRS is hereby amended by adding thereto a new section to read as follows:**

***If the Commissioner receives information from a registered agent pursuant to section 40.2 of this act which indicates that a person may be violating the provisions of this chapter, the Commissioner shall investigate the person and take any appropriate action pursuant thereto.***

***Sec. 190.7.*** **NRS 675.380 is hereby amended to read as follows:**

675.380 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business described in NRS 675.060 or participating in such business as principal, agent, broker or otherwise; ~~[and]~~

(c) ***Any registered agent who represents a licensee or any other person engaged in the business described in NRS 675.060; and***

***(d)*** Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. ***The investigation of a registered agent pursuant to subsection 1, including, without limitation, any book, accounts, papers and records used therein must be kept confidential except to the extent necessary to enforce any provision of this chapter.***

***4.*** For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make loan transactions is presumed to be engaged in the business described in NRS 675.060.

***Sec. 190.9.*** **NRS 675.430 is hereby amended to read as follows:**

675.430 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may, in addition to all actions provided for in this chapter and without prejudice thereto, enter an order requiring a person to desist or to refrain from such violation.

2. An action may be brought on the relation of the Attorney General and the Commissioner to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business ~~[.]~~ ***, whether such books, papers, documents and records are in the possession of the defendant, a registered agent acting on behalf of the defendant or any other person.*** A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.

Sec. 191. NRS 678.344 is hereby amended to read as follows:

678.344 The Commissioner shall issue a certificate of authority to a foreign credit union if he is satisfied that:

1. The members of the credit union to be served in this State are adequately protected by any form of security which is comparable to that required of credit unions organized under the provisions of this chapter.

2. The officer who supervises the credit union in the state in which it was organized has authorized it to do business in Nevada and agrees to furnish, upon request, copies of reports relating to the credit union.

3. The members to be served in this State have a need for the service and adequate service is not available through existing credit unions.

4. A ~~[resident]~~ ***registered*** agent has been designated.

5. The state in which the credit union was organized issues comparable authorization to credit unions organized under the provisions of this chapter.

Sec. 192. NRS 696B.260 is hereby amended to read as follows:

696B.260 A certified copy of any order to show cause issued under NRS 696B.250, and a copy of the petition upon which the order is made ~~[shall]~~ ***, must*** be served upon the insurer by delivering the same to its president, vice president, secretary, treasurer, director, ~~[resident]~~ agent for service of

process, or to its managing agent, or attorney-in-fact **,** ~~[(]~~ if a reciprocal insurer **.** ~~[).]~~ If no such officer or functionary can readily be found in this State, then such process may be served upon the insurer by service thereof upon the Commissioner pursuant to NRS 680A.250 and 680A.260, and in which case the additional 10 days provided by subsection 3 of NRS 680A.260 ~~[shall]~~ ***does*** not apply.

Sec. 193. NRS 78.095, 78.110, 78.165, 86.125, 86.235, 88.331, 88A.070, 88A.510, and 88A.540 are hereby repealed.

Sec. 194. The amendatory provisions of this act do not affect an action or proceeding commenced or right accrued before July 1, 2007.

Sec. 195. **1.** This **section and sections 40.2, 40.4, 40.6, 43.5, 49.5, 171.2, 171.4, 171.6, 171.8, 184.5, 184.7, 184.9, 190.5, 190.7, 190.9 and 194 of this** act ~~[becomes]~~ **become** effective on July 1, 2007.

**2. Sections 1 to 40, inclusive, 41, 42, 43, 44 to 49, inclusive, 50 to 171, inclusive, 172 to 184, inclusive, 185 to 190, inclusive, 191, 192 and 193 of this act become effective on July 1, 2007, for the purpose of adopting regulations and on July 1, 2008, for all other purposes.**

LEADLINES OF REPEALED SECTIONS

78.095 Change of address of resident agent and registered office.
78.110 Resident agent: Revocation of appointment; change of name.
78.165 Addresses of officers and directors required; failure to file.
86.125 "Resident agent" defined.
86.235 Resident agent: Revocation of appointment; change of name.
88.331 Resident agent: Revocation of appointment; change of name.
88A.070 "Resident agent" defined.
88A.510 Change of address.
88A.540 Revocation of appointment; change of name.

Assemblyman Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, 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 5:41 p.m.

ASSEMBLY IN SESSION

At 5:51 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 477.

Bill read third time.

Roll call on Senate Bill No. 477:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 477 having received a two-thirds majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 117.
Bill read third time.
Remarks by Assemblywoman Pierce.
Roll call on Senate Bill No. 117:
YEAS—39.
NAYS—Conklin, Weber—2.
EXCUSED—Christensen.
Senate Bill No. 117 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 452.
Bill read third time.
Roll call on Senate Bill No. 452:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 452 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that the Assembly suspend all rules, dispense with the reprinting of all bills and resolutions and authorize the Chief Clerk to insert the appropriate amendments, and place all bills and resolutions on third reading and final passage
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 436 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 542 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 201 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 483 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that the vote whereby Senate Bill No. 509 was passed be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 201.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 1028.

AN ACT relating to public works; authorizing a public body to contract with a construction manager at risk for the preconstruction and construction of a public work; setting forth the method for selecting a construction manager at risk; authorizing a public body to hire a construction manager as agent to assist the public body in overseeing the construction of a public work; requiring local governments to conduct a constructability review under certain circumstances before constructing certain public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-12 of this bill authorize a public body to enter into contracts with a construction manager at risk for the preconstruction and construction of a public work and provide the method for selecting a construction manager at risk. Under the construction manager at risk method for constructing a public work, a public body may enter into a contract for a negotiated price with a construction manager at risk to provide preconstruction services for the public work that include, without limitation, design support, construction estimating, value and system analysis and scheduling. After the public body has obtained the final design for the public work, the public body and the construction manager at risk are required to attempt to negotiate a contract for the construction manager at risk to construct the public work. If the public body and the construction manager at risk enter into such a contract, the contract must be for: (1) a guaranteed maximum price including the cost of the work plus a fee; (2) a fixed price; or (3) a fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work.

Section 14 of this bill requires a local government or its authorized representative to conduct a constructability review to determine if the plans and specifications for a public work are complete and contain all necessary information, if: (1) such plans and specifications are to be used for the first

time on a public work; ~~[or]~~ **and** (2) such plans and specifications are for a public work that ~~[is a building at least three stories in height.]~~ **has an estimated cost which exceeds $10,000,000.** This review must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS.

Sections 13 and 21 of this bill authorize a public body to employ a construction manager as agent to assist the public body in overseeing the construction of a public work. A construction manager as agent assists in the planning, scheduling and management of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent is prohibited from taking part in the design or construction of the public work.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. ***A public body may construct a public work by:***

***1. Selecting a construction manager at risk pursuant to the provisions of sections 4 to 8, inclusive, of this act; and***

***2. Entering into separate contracts with a construction manager at risk:***

***(a) For preconstruction services, including, without limitation:***

***(1) Assisting the public body in determining whether scheduling or design problems exist that would delay the construction of the public work;***

***(2) Estimating the cost of the labor and material for the public work; and***

***(3) Assisting the public body in determining whether the public work can be constructed within the public body's budget; and***

***(b) To construct the public work.***

Sec. 3. ***To qualify to enter into contracts with a public body for preconstruction services and to construct a public work, a construction manager at risk must:***

***1. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for statements of qualifications pursuant to section 4 of this act;***

***2. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;***

***3. Be licensed as a contractor pursuant to chapter 624 of NRS; and***

***4. If the project is for the design of a public work of the State, be qualified to bid on a public work of the State pursuant to NRS 338.1379.***

Sec. 4. ***1. A public body shall advertise for statements of qualifications for a construction manager at risk in a newspaper qualified***

***pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.***

***2. A request for a statement of qualifications published pursuant to subsection 1 must include, without limitation:***

***(a) A description of the public work;***

***(b) An estimate of the cost of construction;***

***(c) A description of the work that the public body expects a construction manager at risk to perform;***

***(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;***

***(e) The date by which statements of qualifications must be submitted to the public body;***

***(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a statement of qualifications;***

***(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work; and***

***(h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate statements of qualifications.***

***3. A statement of qualifications must include, without limitation:***

***(a) An explanation of the experience that the applicant has with projects of similar size and scope;***

***(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant;***

***(c) The applicant's preliminary proposal for managing the preconstruction and construction of the public work;***

***(d) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;***

***(e) Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law; and***

***(f) A statement of whether the applicant has been:***

***(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause; and***

***(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333.***

Sec. 5. ***1. The public body shall appoint a panel consisting of at least three members to rank the statements of qualifications submitted to the public body by evaluating the statements of qualifications as required pursuant to subsections 2 and 3.***

***2. The panel shall rank the statements of qualifications by:***

***(a) Verifying that each applicant satisfies the requirements of section 3 of this act; and***

***(b) Conducting an evaluation of the qualifications of each applicant based on the factors and relative weight assigned to each factor that the public body specified in the request for statements of qualifications advertised pursuant to section 4 of this act.***

***3. When ranking the statements of qualifications, the panel shall assign a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference in bidding on public works.***

***4. After the panel ranks the statements of qualifications, the public body shall:***

***(a) Make available to the public the rankings of the applicants; and***

***(b) Except as otherwise provided in subsection 5, select at least the two but not more than the five applicants that the panel determined to be most qualified as finalists to submit final proposals to the public body pursuant to section 6 of this act.***

***5. If the public body did not receive at least two statements of qualifications from applicants that the panel determines to be qualified pursuant to this section and section 3 of this act, the public body may not contract with a construction manager at risk.***

Sec. 6. ***1. After the finalists are selected pursuant to paragraph (b) of subsection 4 of section 5 of this act, the public body shall provide to each finalist a request for final proposals. The request for final proposals must:***

***(a) Set forth the date by which final proposals must be submitted to the public body;***

***(b) Set forth the proposed forms of the contract to assist in the preconstruction of the public work and the contract to construct the public work that include, without limitation, the proposed terms and general conditions of the contracts; and***

***(c) Set forth the selection criteria and relative weight of the selection criteria that will be used to evaluate the final proposals.***

***2. A final proposal must include, without limitation:***

***(a) The professional qualifications and experience of the applicant, including, without limitation, the resumes of any employees of the applicant who will be managing the preconstruction and construction of the public work;***

***(b) The performance history of the applicant concerning other recent, similar projects completed by the applicant, if any;***

***(c) The safety programs established and the safety records accumulated by the applicant;***

***(d) The proposed plan of the applicant to manage the preconstruction and construction of the public work, which plan sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and***

***(e) A proposed plan of the applicant for the selection of any necessary subcontractors.***

Sec. 7. ***1. The panel appointed by the public body pursuant to section 5 of this act shall evaluate and assign a score to each of the final proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for final proposals. The panel shall interview the two or three applicants whose final proposals received the highest scores. After conducting such interviews, the panel shall rank the applicants based on the final proposals and interviews, which must be given equal weight.***

***2. Upon receipt of the final rankings of the applicants from the panel, the public body shall enter into negotiations with the most qualified applicant determined pursuant to subsection 1 for a contract for preconstruction services. If the public body is unable to negotiate a contract with the most qualified applicant at an amount of compensation that the public body and the most qualified applicant determine to be fair and reasonable, the public body shall terminate negotiations with that applicant. The public body may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached or a determination is made by the public body to reject all applicants.***

***3. The public body shall make available to the applicants and the public the results of the evaluations of final proposals and interviews conducted pursuant to subsection 1 and the final rankings of the applicants.***

Sec. 8. ***1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to section 7 of this act, after the public body has finalized the design for the public work, the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work for the public body for:***

***(a) The cost of the work, plus a fee, with a guaranteed maximum price;***

***(b) A fixed price; or***

***(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work.***

***2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work, the public body:***

***(a) Shall terminate negotiations with that applicant; and***

***(b) May award the contract for the public work:***

***(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.***

***(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive, and section 14 of this act.***

Sec. 9. ***A contract entered into pursuant to section 8 of this act that is for a guaranteed maximum price may include a provision that authorizes***

***the construction manager at risk to receive all or part of any difference between the guaranteed maximum price set forth in the contract and the actual price of construction of the public work, if the actual price is less than the guaranteed maximum price.***

Sec. 10. ***A contract awarded to a construction manager at risk pursuant to section 7 or 8 of this act:***

***1. Must comply with the provisions of NRS 338.020 to 338.090, inclusive.***

***2. Must specify a date by which performance of the work required by the contract must be completed.***

***3. May set forth the terms by which the construction manager at risk agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the construction manager at risk.***

***4. Must require that the construction manager at risk to whom a contract is awarded assume overall responsibility for ensuring that the preconstruction or construction of the public work, as applicable, is completed in a satisfactory manner.***

***5. May include such additional provisions as may be agreed upon by the public body and the construction manager at risk.***

Sec. 11. ***A construction manager at risk who enters into a contract for the construction of a public work pursuant to section 8 of this act:***

***1. Is responsible for contracting for the services of any necessary subcontractor, supplier or independent contractor necessary for the construction of the public work and for the performance of and payment to any such subcontractors, suppliers or independent contractors.***

***2. If the public work involves the construction of a fixed work that is described in subsection 2 of NRS 624.215, shall perform not less than 25 percent of the construction of the fixed work himself or using his own employees.***

***3. If the public work involves the construction of a building or structure that is described in subsection 3 of NRS 624.215, may perform himself or using his own employees as much of the construction of the building or structure that the construction manager at risk is able to demonstrate that he or his own employees have performed on similar projects.***

Sec. 12. ***1. If a construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to section 8 of this act wishes to enter into a contract with a subcontractor to provide materials, equipment, work or other services on the public work, the subcontractor must be:***

***(a) Licensed pursuant to chapter 624 of NRS; and***

***(b) Selected by the construction manager at risk based on the process of competitive bidding set forth in the applicable provisions of NRS 338.1373 to 338.148, inclusive.***

***2. A construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to section 8 of this act shall submit to the public body that awarded the contract a list containing the names of each subcontractor with whom the construction manager at risk entered into a contract for the provision of materials, equipment, work or other services on the public work.***

Sec. 13. ***1. A construction manager as agent:***

***(a) Must:***

***(1) Be a contractor licensed pursuant to chapter 624 of NRS;***

***(2) Hold a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS; or***

***(3) Be licensed as a professional engineer pursuant to chapter 625 of NRS.***

***(b) May enter into a contract with a public body to assist in the planning, scheduling and management of the construction of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent who enters into a contract with a public body pursuant to this section may not take part in the design or construction of the public work.***

***2. A contract between a public body and a construction manager as agent is not required to be awarded by competitive bidding.***

Sec. 14. ***1. Before a local government or its authorized representative advertises for bids for a contract for a public work, the local government or its authorized representative shall perform a review of the approved plans and specifications to determine if the plans and specifications are complete and contain all necessary information and specifications to construct the public work, if:***

***(a) The plans and specifications are to be used for the first time on a public work; and***

***(b) The plans and specifications are for a public work that*** ~~*[is a building at least three stories in height.]*~~ ***has an estimated cost which exceeds $10,000,000.***

***2. A constructability review required pursuant to subsection 1 must be performed by an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS and must include, without limitation:***

***(a) A determination of whether a competent contractor would be able to construct the public work based on the approved plans and specifications; and***

***(b) A review of the approved plans and specifications for the public work for completeness, clarity and economic feasibility.***

***3. If the local government or its authorized representative does not employ a person who has the expertise to perform a constructability review as described in subsection 2, the local government or its authorized***

***representative must contract with an independent third party who is an architect registered pursuant to chapter 623 of NRS, a contractor licensed pursuant to chapter 624 of NRS or a professional engineer licensed pursuant to chapter 625 of NRS to perform the constructability review. A contract entered into pursuant to this section between a local government or its authorized representative and an independent third party is not required to be awarded by competitive bidding.***

Sec. 15. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive ~~[; or]~~ ***, and section 14 of this act;***

(c) NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***; or***

***(d) Sections 2 to 12, inclusive, of this act.***

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, ***and sections 2 to 12, inclusive, of this act,*** do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 16. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

***(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or***

***(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.***

Sec. 17. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons

desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

***(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or***

***(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.***

Sec. 18. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8 and NRS 338.1907, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 and 338.1446.

(c) Divide a project work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

***(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or***

***(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.***

Sec. 19. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993; ~~[or]~~

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***;***

***(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to section 14 of this act; or***

***(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to sections 2 to 12, inclusive, of this act.***

Sec. 20. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to 338.168, inclusive, ***and sections 2 to 12, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work:

(a) Is the construction of a park and appurtenances thereto, the rehabilitation or remodeling of a public building, or the construction of an addition to a public building; or

(b) Has an estimated cost which exceeds $10,000,000.

Sec. 21. NRS 338.1717 is hereby amended to read as follows:

338.1717 A public body may employ a registered architect, ***general contractor, construction manager as agent,*** landscape architect or licensed professional engineer as a consultant to assist the public body in overseeing the construction of a public work. An architect, ***general contractor, construction manager as agent,*** landscape architect or engineer so employed shall not:

1. Construct the public work; or

2. Assume overall responsibility for ensuring that the construction of the public work is completed in a satisfactory manner.

Sec. 22. 1. This section and sections 1 to 16, inclusive, 18, 20 and 21 of this act become effective on October 1, 2007.

2. Sections 16 and 18 of this act expire by limitation on April 30, 2013.

3. Sections 17 and 19 of this act become effective on May 1, 2013.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 483.

Bill read third time.

Remarks by Assemblyman Anderson.

Assemblyman Anderson requested that his remarks be entered in the Journal.

The prepared remarks for this bill have already been read. The questions that have been raised have been partially answered, and the assurance from Rob Kim of the State Bar indicates that it is indeed the intention of this legislation to protect social security benefits necessary for the support of individuals from attachment by creditors. If it is necessary we will take care of it in other legislative manner because that was clearly the intent as presented to the committee—all social security benefits as is the current practice.

We are not stepping away from the current protection of social security benefits in any way. We have the assurance of both the State Bar and the Secretary of State's office. That was the intent, and if that is not clear, we will make sure that it is clear.

Roll call on Senate Bill No. 483:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 483 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 18.

Bill read third time.

The following amendment was proposed by Assemblyman Conklin:

Amendment No. 977.

AN ACT relating to deceptive trade practices; providing that the conducting of certain businesses or occupations without registering with the Consumer Affairs Division of the Department of Business and Industry is a deceptive trade practice; authorizing the Commissioner of Consumer Affairs to impose a fine on persons who engage in such a deceptive trade practice; providing that the rental, lease or sale of certain goods or services for an unconscionable price within a certain period before or during a state of emergency is a deceptive trade practice; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a number of actions as deceptive trade practices that are punishable by the imposition of civil **and criminal** penalties. (NRS 598.0915-598.0925, 598.0971- ~~[598. 0974)]~~ **598.0999)** Section 2 of this bill provides that conducting a business or occupation that is required to be registered with the Consumer Affairs Division of the Department of Business and Industry without being so registered is a deceptive trade practice, and section 4 of this bill authorizes the Commissioner of Consumer Affairs to impose a fine on a person who engages in such a deceptive trade practice. Section 4.7 of this bill provides that renting, leasing or selling a consumer good or service that is vital to the public health, safety or welfare for an unconscionable price within 24 hours before or at any time during a state of emergency is a deceptive trade practice.

**Existing law provides a private right of action for a person who is a victim of consumer fraud to recover damages. The term "consumer fraud" includes a deceptive trade practice. (NRS 41.600) Because unconscionable pricing during a state of emergency is made a deceptive trade practice, section 13 of this bill provides a person with this private right of action for such practices.**

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.7, inclusive, of this act.

Sec. 2. ***A person engages in a "deceptive trade practice" if, in the course of his business or occupation, he is required to be registered with the Division pursuant to any provision of this chapter or NRS 599B.080 and he fails to be registered with the Division.***

Sec. 3. ***"Division" means the Consumer Affairs Division of the Department of Business and Industry.***

Sec. 4. ***1. In addition to any other remedy or penalty, if a person engages in a deceptive trade practice, as defined in section 2 of this act, the Commissioner may impose a fine of:***

***(a) For the first violation, $100;***

***(b) For the second violation, $250; and***

***(c) For each subsequent violation, $500.***

***2. All money collected from fines imposed pursuant to this section must be deposited in the State General Fund.***

Sec. 4.5. ***The Legislature finds and declares that:***

***1. Protecting the public from the economic practice commonly known as "price gouging" is a vital function of state government in providing for the public health, safety and welfare;***

***2. The pricing of consumer goods and services is generally best left to the marketplace in ordinary conditions, but when a state of emergency results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of consumer goods and services be prohibited;***

***3. During a state of emergency the vulnerable persons of society are left even more vulnerable, and those with limited resources may find themselves without the ability to purchase even the most basic necessities such as potable water, food and medicine;***

***4. During a state of emergency, price is an inaccurate and ineffective manner of determining the needs of people, and price gouging serves only to discriminate against the poor and to encourage looting, human suffering and panic;***

***5. It is the intent of the Legislature in enacting section 4.7 of this act to protect consumers from excessive and unjustified increases in the prices charged within 24 hours before or at any time during a state of emergency for consumer goods and services that are vital to the public health, safety or welfare; and***

~~*[4.]*~~ ***6. As the provisions of this chapter are necessary to protect the public welfare, it is also the intent of the Legislature that the provisions of this chapter be liberally construed to effectuate its purposes.***

Sec. 4.7. ***1. Except as otherwise provided in subsection 2, a person engages in a "deceptive trade practice" if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for an unconscionable price within 24 hours before or at any time during a state of emergency.***

***2. A person does not engage in a "deceptive trade practice" pursuant to subsection 1 if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for a price that is approved by an appropriate government or governmental entity.***

***3. For the purposes of this section*** ~~*[and except as otherwise provided in subsection 4, it is prima facie evidence that]*~~ ***a price for a consumer good or service is an unconscionable price if the price exceeds*** ~~*[, by an amount equal to or greater than 25 percent :*~~

~~*[(a) The]*~~ ***the average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business in the same market area at the time of, or during the 30 days immediately preceding , the state of emergency*** ~~*[; or*~~

~~*[(b) The average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business in the immediately preceding calendar year during the same period to which the state of emergency applies.*~~

~~*[4. For the purposes of this section, it is prima facie evidence that a price for a consumer good or service is not an unconscionable price if the net profit margin for the consumer good or service does not exceed, by an amount equal to or greater than 25 percent:*~~

~~*[(a) The net profit margin for the consumer good or service during the 30 days immediately preceding the state of emergency; or*~~

~~*[(b) The net profit margin for the consumer good or service in the immediately preceding calendar year during the same period to which the state of emergency applies.*~~

~~*[5.]*~~ ***, except that the price may include an increase in price which reflects reasonable expenses and a charge for any attendant business risk in addition to the cost of the goods and services which are necessarily incurred in procuring the goods and services during the state of emergency.***

***4. The provisions of this section do not preempt the authority of a local government to adopt an ordinance relating to the price of a consumer good or service during a state of emergency.***

~~*[6.]*~~ ***5. As used in this section:***

***(a) "Consumer good or service" means a good or service used, purchased or rendered primarily for personal, family or household purposes that is vital to the public health, safety or welfare. The term includes, without limitation, food for human consumption, food for domestic animals, clothing, shoes, ice, water, gas, electricity, heat, fuel of all kinds and building materials.***

***(b) "State of emergency" means the period:***

***(1) Beginning when the Governor or the Legislature proclaims a state of emergency or declaration of disaster either pursuant to NRS 414.070 or pursuant to a declaration of the President of the United States*** ~~*[declares]*~~ ***that a state of emergency exists in this State or any other state; and***

***(2) Ending when the Governor or the Legislature terminates the proclamation of a state of emergency .*** ~~*[or declaration of disaster or the President of the United States terminates the declaration of a state of emergency.]*~~

Sec. 5. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, ***and sections 2, 3 and 4.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.5. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, ***and sections 2 and 4.7 of this act*** are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 5.7. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.***

Sec. 6. NRS 598.096 is hereby amended to read as follows:

598.096 When the Commissioner, Director or Attorney General has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he may:

1. Request the person to file a statement or report in writing under oath or otherwise, on such forms as may be prescribed by the Commissioner, Director
or Attorney General, as to all facts and circumstances concerning the sale or advertisement of property by the person, and such other data and information as the Commissioner, Director or Attorney General may deem necessary.

2. Examine under oath any person in connection with the sale or advertisement of any property.

3. Examine any property or sample thereof, record, book, document, account or paper as he may deem necessary.

4. Make true copies, at the expense of the ~~[Consumer Affairs Division of the Department of Business and Industry,]~~ ***Division,*** of any record, book, document, account or paper examined pursuant to subsection 3, which copies may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.097 and 598.0979.

5. Pursuant to an order of any district court, impound any sample of property which is material to the deceptive trade practice and retain the property in his possession until completion of all proceedings as provided in NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.*** An order may not be issued pursuant to this subsection unless:

(a) The Commissioner, Director or Attorney General, and the court give the accused full opportunity to be heard; and

(b) The Commissioner, Director or Attorney General proves by clear and convincing evidence that the business activities of the accused will not be impaired thereby.

Sec. 6.5. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.*** The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 7. NRS 598.0966 is hereby amended to read as follows:

598.0966 1. There is hereby created a Revolving Account for the ~~[Consumer Affairs Division of the Department of Business and Industry]~~ ***Division*** in the sum of $7,500, which must be used for the payment of expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice.

2. The Commissioner shall deposit the money in the Revolving Account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.

3. The Commissioner or his designee may:

(a) Sign all checks drawn upon the Revolving Account; and

(b) Make withdrawals of cash from the Revolving Account.

4. Payments made from the Revolving Account must be promptly reimbursed from the legislative appropriation, if any, to the ~~[Consumer Affairs]~~ Division for the expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice. The claim for reimbursement must be processed and paid as other claims against the State are paid.

5. The Commissioner shall:

(a) Approve any disbursement from the Revolving Account; and

(b) Maintain records of any such disbursement.

Sec. 7.5. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.*** Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

Sec. 7.7. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Commissioner determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~[;]~~ ***, and sections 2 to 4.7, inclusive, of this act;*** and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

➥ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

➥ the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. Except as otherwise provided in NRS 598.0974, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 8. NRS 598.0975 is hereby amended to read as follows:

598.0975 1. Except as otherwise provided in subsection 1 of NRS 598.0999 and subsection 3, all fees, civil penalties and any other money collected pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act:***

(a) In an action brought by the Attorney General, Commissioner or Director, must be deposited in the State General Fund and may only be used to offset the costs of administering and enforcing the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.***

(b) In an action brought by the district attorney of a county, must be deposited with the county treasurer of that county and accounted for separately in the county general fund.

2. Money in the account created pursuant to paragraph (b) of subsection 1 must be used by the district attorney of the county for:

(a) The investigation and prosecution of deceptive trade practices against elderly or disabled persons; and

(b) Programs for the education of consumers which are directed toward elderly or disabled persons, law enforcement officers, members of the judicial system, persons who provide social services and the general public.

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

(a) Criminal fines imposed pursuant to NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act;*** or

(b) Restitution ordered pursuant to NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** in an action brought by the Attorney General. Money collected for restitution ordered in such an action must be deposited by the Attorney General and credited to the appropriate account of the ~~[Consumer Affairs Division of the Department of Business and Industry]~~ ***Division*** or the Attorney General for distribution to the person for whom the restitution was ordered.

Sec. 9. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers

granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 10. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 11. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[.]~~ ***, and sections 2 to 4.7, inclusive, of this act.***

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 12. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 13. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[.]~~ ***, and sections 2 and 4.7 of this act.***

3. If the claimant is the prevailing party, the court shall award him:

(a) Any damages that he has sustained; and

(b) His costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Assemblyman Conklin moved the adoption of the amendment.

Remarks by Assemblyman Conklin.

Amendment adopted.

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

Senate Bill No. 412.

Bill read third time.

Remarks by Assemblyman Mabey.

Roll call on Senate Bill No. 412:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 412 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read third time.

Roll call on Senate Joint Resolution No. 2:

YEAS—30.

NAYS—Anderson, Beers, Carpenter, Mabey, Manendo, Oceguera, Ohrenschall, Parnell, Smith, Stewart, Weber—11.

EXCUSED—Christensen.

Senate Joint Resolution No. 2 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 6:10 p.m.

## ASSEMBLY IN SESSION

At 6:15 p.m.

Madam Speaker presiding.

Quorum present.

### REPORTS OF COMMITTEES

*Madam Speaker:*

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY JR., *Chair*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 18 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 436 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 542 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 242 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 201 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

Senate Bill No. 18.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Senate Bill No. 18:

YEAS—28.

NAYS—Allen, Beers, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Stewart, Weber—13.

EXCUSED—Christensen.

Senate Bill No. 18 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 436.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 436:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 436 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 542.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 542:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 542 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 242.

Bill read third time.

Roll call on Senate Bill No. 242:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 242 having received a two-thirds majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

Remarks by Assemblyman Claborn.

Roll call on Senate Bill No. 201:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 201 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 510, just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 198 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 510.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1020.

AN ACT relating to offenders; revising provisions relating to the residential confinement of certain offenders; authorizing the Director of the Department of Corrections to award greater amounts of credit against the sentence of offenders under certain circumstances; revising provisions relating to programs for the reentry of offenders and parolees into the community; **providing for certain credits to be applied to a period of probation; revising provisions governing residential confinement for offenders who violate parole or probation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill eliminates certain requirements that an offender must meet to be eligible for residential confinement and revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to residential confinement by prohibiting the Director of the Department of Corrections from assigning a prisoner to a minimum security facility if the prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 2 revises a provision which prohibits an offender from receiving residential confinement if the offender has ever been convicted of a violent crime by prohibiting an offender from receiving residential confinement if the offender has, within the immediately preceding 3 years,

been convicted of a violent crime that is a felony. (NRS 209.392) Finally, section 2 provides that an offender who has been convicted of a category A or B felony is not eligible for residential confinement.

Existing law requires the Director to assign certain offenders who are abusers of alcohol or drugs to residential confinement. (NRS 209.429) Section 3 of this bill eliminates certain requirements that such an offender must meet for the Director to assign him to residential confinement.

Section 5 of this bill increases from 10 days to 20 days the deduction from the sentence of an offender who engages in certain good behavior. In addition, section 5 increases by 30 days the deductions from the sentence of an offender who obtains certain educational achievements. **Section 5 also provides that certain credits to the sentence of an offender convicted of certain category C, D or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence.** (NRS 209.4465) Section 6 of this bill increases from 10 days to 20 days the deduction from the sentence of a parolee who is current with any fee to defray the cost of his supervision and who is current with any restitution payments. (NRS 209.4475) **Section 6.2 of this bill increases from 30 days to 60 days the deduction from the sentence of an offender who successfully completes a program of treatment for the abuse of alcohol or drugs. (NRS 209.448) Section 6.4 of this bill increases from 30 days to 60 days the deduction from the sentence of an offender who successfully completes a program of vocational education and training. (NRS 209.449)**

Section 7 of this bill revises the prohibition against assigning a prisoner who has been convicted of a sexual offense to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the prisoner has ever been convicted of a sexual offense that is a felony. In addition, section 7 revises the prohibition against assigning a prisoner who has committed a violent act during the previous year to a minimum security facility by prohibiting the Director from assigning a prisoner to such a facility if the prisoner has, within the preceding year, been convicted of a violent crime that is a felony. (NRS 209.481)

**Existing law allows the Director of the Department of Corrections to recommend an offender to a judicial program for reentry of offenders and parolees into the community. (NRS 209.4886) Section 7.5 of this bill provides that an offender is not eligible for a judicial program for reentry if the offender has, within the immediately preceding year, instead of 5 years, been convicted of a violent crime that is a felony.** Existing law allows the Director to establish a program for reentry of offenders and parolees into the community. Section 8 of this bill revises a provision which provides that an offender is not eligible for the program if the offender has, within the immediately preceding 5 years, been convicted of a violent crime by providing that an offender is not eligible for the

program if the offender has, within the immediately preceding year, been convicted of a violent crime that is a felony. (NRS 209.4888)

**Section 8.7 of this bill provides that a person who is sentenced to a period of probation for a felony and who engages in certain good behavior while on probation must be allowed a deduction from his period of probation of 20 days for each month he serves. (NRS 176A.500)**

**Existing law authorizes the State Board of Parole Commissioners, in lieu of suspending the parole of a parolee who violates a condition of his parole and returning him to confinement in prison, to require the parolee to serve a term of residential confinement. (NRS 213.152) Section 8.6 of this bill authorizes the State Board of Parole Commissioners, in lieu of suspending the parole of a parolee who violates a condition of his parole and returning him to confinement in prison, to place the parolee in a community correctional center, conservation camp, facility of minimum security or other place of confinement other than a prison for a period of not more than 6 months.**

**If a person who has been placed on probation violates a condition of his probation, existing law authorizes a court, in lieu of causing the sentence imposed to be executed, to direct that the person be placed under the supervision of the Division of Parole and Probation of the Department of Public Safety and to require the person to serve a term of residential confinement. Section 8.8 of this bill authorizes the court, in lieu of causing the sentence imposed to be executed, to direct that the person be placed under the supervision of the Department of Corrections and to require the person to serve a term of confinement in a community correctional center, conservation camp, facility of minimum security or other place of confinement other than a prison for a period of not more than 6 months. (NRS 176A.660)**

**Section 10 of this bill provides for retroactive application of the amendatory provisions of sections 5 and 8.7 to certain credits earned by offenders pursuant to NRS 209.4465 and 176A.500 in certain circumstances.**

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) ~~[Established]~~ ***Demonstrated a willingness and ability to establish*** a position of employment in the community;

(b) ~~[Enrolled]~~ ***Demonstrated a willingness and ability to enroll*** in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

➥ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) ~~[Is not eligible for parole or release from prison within a reasonable period;~~

~~(b)]~~ Has recently committed a serious infraction of the rules of an institution or facility of the Department;

~~[(c)]~~ ***(b)*** Has not performed the duties assigned to him in a faithful and orderly manner;

~~[(d)]~~ ***(c)*** Has ~~[ever]~~ been convicted of:

(1) Any crime ***that is punishable as a felony*** involving the use or threatened use of force or violence against the victim ~~[; or]~~ ***within the immediately preceding 3 years;***

(2) A sexual offense ~~[;]~~

~~[~~ ~~(e)]~~ ***that is punishable as a felony; or***

***(3) A category A or B felony;***

***(d)*** Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955; ***or***

~~[(f)]~~ ***(e)*** Has escaped or attempted to escape from any jail or correctional institution for adults ***,*** ~~[; or~~

~~(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 3. NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the Director shall assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term of his sentence if ~~[:~~

~~(a) The]~~ ***the*** offender has:

~~[(1)]~~ ***(a)*** ~~[Established]~~ ***Demonstrated a willingness and ability to establish*** a position of employment in the community;

~~[(2)]~~ ***(b)*** ~~[Enrolled]~~ ***Demonstrated a willingness and ability to enroll*** in a program for education or rehabilitation; or

~~[(3)]~~ ***(c)*** Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime **.** ~~[;~~

~~(b) The offender has successfully completed the initial period of treatment required under the program of treatment established pursuant to NRS 209.425; and~~

~~(c) The Director believes that the offender will be able to:~~

~~(1) Comply with the terms and conditions required under residential confinement; and~~

~~(2) Complete successfully the remainder of the program of treatment while under residential confinement.~~

~~➥ If an offender assigned to the program of treatment pursuant to NRS 209.427 completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before this refusal, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.]~~

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the Division of Parole and Probation a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

5. A person does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The Director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the Division of Parole and Probation to serve a term of residential confinement unless the Director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

Sec. 4. NRS 209.446 is hereby amended to read as follows:

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

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

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

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 10 days from his sentence for each month he serves.

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

(a) For earning a general educational development certificate, 30 days.

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

(c) For earning an associate degree, 90 days.

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

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

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

6. Credits earned pursuant to this section:

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

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

Sec. 5. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed:

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

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

(c) For the period he is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of ~~[10]~~ ***20*** days from his sentence for each month he serves.

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

(a) For earning a general educational development certificate, ~~[30]~~ ***60*** days.

(b) For earning a high school diploma, ~~[60]~~ ***90*** days.

(c) For earning his first associate degree, ~~[90]~~ ***120*** days.

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

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, ***program for reentry of offenders and parolees into the community,*** conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire ~~[20]~~ ***30*** days of credit each month that is allowed pursuant to subsections 1 and 2.

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

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

7. ~~[Credits]~~ ***Except as otherwise provided in subsection 8, credits*** earned pursuant to this section:

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

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

***8. Credits earned pursuant to this section by an offender who has not been convicted of:***

***(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;***

***(b) A sexual offense that is punishable as a felony;***

***(c) A violation of NRS 484.379, 484.3795 or 484.37955 that is punishable as a felony; or***

***(d) A category A or B felony,***

***↳ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.***

Sec. 6. NRS 209.4475 is hereby amended to read as follows:

209.4475 1. In addition to any credits earned pursuant to NRS 209.447, an offender who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life must be allowed for the period he is actually on parole a deduction of ~~[10]~~ ***20*** days from his sentence for each month he serves if:

(a) He is current with any fee to defray the costs of his supervision pursuant to NRS 213.1076; and

(b) He is current with any payment of restitution required pursuant to NRS 213.126.

2. In addition to any credits earned pursuant to subsection 1 and NRS 209.447, the Director may allow not more than 10 days of credit each month for an offender:

(a) Who is on parole as of January 1, 2004, or who is released on parole on or after January 1, 2004, for a term less than life; and

(b) Whose diligence in labor or study merits such credits.

3. An offender is entitled to the deductions authorized by this section only if he satisfies the conditions of subsection 1 or 2, as determined by the Director. The Chief Parole and Probation Officer or other person responsible for the supervision of an offender shall report to the Director the failure of an offender to satisfy those conditions.

4. Credits earned pursuant to this section must, in addition to any credits earned pursuant to NRS 209.443, 209.446, 209.4465, 209.447, 209.448 and 209.449, be deducted from the maximum term imposed by the sentence.

5. The Director shall maintain records of the credits to which each offender is entitled pursuant to this section.

***Sec. 6.2.*** **NRS 209.448 is hereby amended to read as follows:**

209.448 1. An offender who has no serious infraction of the regulations of the Department or the laws of the State recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of not more than ~~[30]~~ ***60*** days from the maximum term of his sentence for the successful completion of a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the Department and a person who is licensed or certified as an alcohol and drug abuse counselor or certified as an alcohol and drug abuse counselor intern pursuant to chapter 641C of NRS.

2. The provisions of this section apply to any offender who is sentenced on or after October 1, 1991.

***Sec. 6.4.*** **NRS 209.449 is hereby amended to read as follows:**

209.449 1. An offender who has no serious infraction of the regulations of the Department, the terms and conditions of his residential confinement, or the laws of the State recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443, 209.446 or 209.4465, a deduction of ~~[30]~~ ***60*** days from the maximum term of his sentence for the ***successful*** completion of:

(a) A program of vocational education and training; or

(b) Any other program approved by the Director.

2. If the offender completes such a program with meritorious or exceptional achievement, the Director may allow not more than 60 days of credit in addition to the ~~[30]~~ ***60*** days allowed for completion of the program.

Sec. 7. NRS 209.481 is hereby amended to read as follows:

209.481 1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792, 484.3795, 484.37955, 488.420 and 488.427, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ***ever*** been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony;***

(e) Has ~~[committed an act of serious violence during the previous year;]~~ ***, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;*** or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

***Sec. 7.5.*** **NRS 209.4886 is hereby amended to read as follows:**

209.4886 1. Except as otherwise provided in this section, if a judicial program has been established in the judicial district in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, refer the offender to the reentry court if:

(a) The Director believes that the offender would participate successfully in and benefit from the judicial program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his crime; and

(c) The offender is within 2 years of his probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director is notified by the reentry court pursuant to NRS 209.4883 that an offender should be assigned to the custody of the Division to participate in the judicial program, the Director shall assign the offender to the custody of the Division to participate in the judicial program for not longer than the remainder of his sentence.

3. The Director shall, by regulation, adopt standards setting forth which offenders are eligible to be assigned to the custody of the Division to participate in the judicial program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has, within the immediately preceding ~~[5 years,]~~ ***year,*** been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony; or***

(e) Has escaped or attempted to escape from any jail or correctional institution for adults ***,*** ~~[; or~~

~~(f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a judicial program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse

the reentry court, the Division and the Department for the cost of their participation in a judicial program, to the extent of their ability to pay.

5. The reentry court may return the offender to the custody of the Department at any time for any violation of the terms and conditions imposed by the reentry court.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions imposed by the reentry court and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a judicial program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 8. NRS 209.4888 is hereby amended to read as follows:

209.4888 1. Except as otherwise provided in this section, if a correctional program has been established by the Director in the county in which an offender was sentenced to imprisonment, the Director may, after consulting with the Division, determine that an offender is suitable to participate in the correctional program if:

(a) The Director believes that the offender would participate successfully in and benefit from the correctional program;

(b) The offender has demonstrated a willingness to:

(1) Engage in employment or participate in vocational rehabilitation or job skills training; and

(2) Meet any existing obligation for restitution to any victim of his crime; and

(c) The offender is within 2 years of his probable release from prison, as determined by the Director.

2. Except as otherwise provided in this section, if the Director determines that an offender is suitable to participate in the correctional program, the Director shall request that the Chairman of the State Board of Parole Commissioners assign the offender to the custody of the Division to participate in the correctional program. The Chairman may assign the offender to the custody of the Division to participate in the correctional program for not longer than the remainder of his sentence.

3. The Director shall, by regulation, adopt standards setting forth which offenders are suitable to participate in the correctional program pursuant to this section. The standards adopted by the Director must be approved by the Board and must provide that an offender who:

(a) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(b) Has not performed the duties assigned to him in a faithful and orderly manner;

(c) Has, within the immediately preceding ~~[5 years,]~~ ***year,*** been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony;

(d) Has ever been convicted of a sexual offense ~~[;]~~ ***that is punishable as a felony; or***

(e) Has escaped or attempted to escape from any jail or correctional institution for adults **,** ~~[; or~~

~~(f) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,]~~

➥ is not eligible for assignment to the custody of the Division pursuant to this section to participate in a correctional program.

4. The Director shall adopt regulations requiring offenders who are assigned to the custody of the Division pursuant to this section to reimburse the Division and the Department for the cost of their participation in a correctional program, to the extent of their ability to pay.

5. The Director may return the offender to the custody of the Department at any time for any violation of the terms and conditions agreed upon by the Director and the Chairman.

6. If an offender assigned to the custody of the Division pursuant to this section violates any of the terms or conditions agreed upon by the Director and the Chairman and is returned to the custody of the Department, the offender forfeits all or part of the credits for good behavior earned by him before he was returned to the custody of the Department, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this subsection only after proof of the violation and notice is given to the offender. The Director may restore credits so forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

7. The assignment of an offender to the custody of the Division pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

8. An offender does not have a right to be assigned to the custody of the Division pursuant to this section, or to remain in that custody after such an assignment. It is not intended that the establishment or operation of a correctional program creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

***Sec. 8.5.*** **NRS 213.120 is hereby amended to read as follows:**

213.120 1. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed before July 1, 1995, may be paroled when he has served one-third of the definite period of time for which he has been sentenced pursuant to NRS 176.033, less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in NRS 213.1213 and as limited by statute for certain specified offenses, a prisoner who was sentenced to prison for a crime committed on or after July 1, 1995, may be paroled when he has served the minimum term of imprisonment imposed by the court. ~~[Any]~~ ***Except as otherwise provided in NRS 209.4465, any*** credits earned to reduce his sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term of imprisonment may reduce only the maximum term of imprisonment imposed and must not reduce the minimum term of imprisonment.

***Sec. 8.6.*** **NRS 213.152 is hereby amended to read as follows:**

213.152 1. Except as otherwise provided in subsection 6, if a parolee violates a condition of his parole, the Board may order him to a term of residential confinement in lieu of suspending his parole and returning him to confinement. In making this determination, the Board shall consider the criminal record of the parolee and the seriousness of the crime committed.

2. In ordering the parolee to a term of residential confinement, the Board shall:

(a) Require ~~[the]~~ ***:***

***(1) The*** parolee to be confined to his residence during the time he is away from his employment, community service or other activity authorized by the Division; and

~~[(b) Require intensive]~~

***(2) Intensive*** supervision of the parolee, including, without limitation, unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his confinement ~~.~~ ***; or***

***(b) Require the parolee to be confined to a facility of the Department of Corrections approved by the Board for a period not to exceed 6 months.***

3. An electronic device approved by the Division may be used to supervise a parolee ordered to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the presence of the parolee at his residence, including, but not limited to, the transmission of still visual images which do not concern the activities of the person while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the parolee while inside his residence,

➥ must not be used.

4. The Board shall not order a parolee to a term of residential confinement unless he agrees to the order.

5. A term of residential confinement may not be longer than the unexpired maximum term of the original sentence of the parolee.

6. The Board shall not order a parolee who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement unless the Board makes a finding that the parolee is not likely to pose a threat to the victim of the battery.

***7. As used in this section, "facility" has the meaning ascribed to it in NRS 209.065.***

***Sec. 8.7.*** **NRS 176A.500 is hereby amended to read as follows:**

176A.500 1. The period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) Three years for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260 or 453.3363; or

(b) Five years for a felony.

2. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

3. Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving him a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection 4, the parole and probation officer, or the peace officer, after making an arrest shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

4. A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person he arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

***5. An offender who is sentenced to serve a period of probation for a felony who has no serious infraction of the regulations of the Division, the terms and conditions of his probation or the laws of the State recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed for the period of his probation a deduction of 20 days from that period for each month he serves.***

***Sec. 8.8.*** **NRS 176A.660 is hereby amended to read as follows:**

176A.660 1. If a person who has been placed on probation violates a condition of his probation, the court may order him to a term of residential confinement in lieu of causing the sentence imposed to be executed. In making this determination, the court shall consider the criminal record of the person and the seriousness of the crime committed.

2. In ordering the person to a term of residential confinement, the court shall:

(a) Direct that he be placed under the supervision of the Division ~~[;~~

~~(b) Require the]~~ ***and require:***

***(1) The*** person to be confined to his residence during the time he is away from his employment, community service or other activity authorized by the Division; and

~~[(c) Require intensive]~~

***(2) Intensive*** supervision of the person, including, without limitation, unannounced visits to his residence or other locations where he is expected to be in order to determine whether he is complying with the terms of his confinement ~~[.]~~ ***; or***

***(b) Direct that he be placed under the supervision of the Department of Corrections and require the person to be confined to a facility of the Department approved by the Division and the court for a period not to exceed 6 months.***

3. An electronic device approved by the Division may be used to supervise a person ordered to a term of residential confinement. The device must be minimally intrusive and limited in capability to recording or transmitting information concerning the person's presence at his residence, including, but not limited to, the transmission of still visual images which do not concern the person's activities while inside his residence. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the person's activities while inside his residence,

➥ must not be used.

4. The court shall not order a person to a term of residential confinement unless he agrees to the order.

5. A term of residential confinement may not be longer than the maximum term of a sentence imposed by the court.

***6. As used in this section, "facility" has the meaning ascribed to it in NRS 209.065.***

Sec. 9. (Deleted by amendment.)

Sec. 10. **1.** For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 5 of this act ~~[apply only to credits earned by an offender on or after July 1, 2008.]~~ **must be applied:**

**(a) Retroactively to July 1, 2000, to reduce the minimum term of imprisonment of an offender described in subsection 8 of NRS 209.4465 who was placed in the custody of the Department of Corrections before July 1, 2007, and who remains in such custody on July 1, 2007.**

**(b) Retroactively to July 1, 2006, to reduce the maximum term of imprisonment of an offender who was placed on parole before July 1, 2007.**

**(c) In the manner set forth in NRS 209.4465 for all offenders in the custody of the Department of Corrections commencing on July 1, 2007, and for all offenders who are on parole commencing on July 1, 2007.**

**2. For the purpose of calculating credits earned by an offender pursuant to NRS 209.448 and 209.449, the amendatory provisions of sections 6.2 and 6.4 of this act apply only to credits earned by an offender on or after July 1, 2007.**

**3. For the purpose of calculating credits earned by an offender pursuant to NRS 176A.500, the amendatory provisions of section 8.7 of this act must be applied retroactively to reduce the period of probation of such an offender commencing on July 1, 2006.**

Sec. 11. This act becomes effective on July 1, ~~[2008.]~~ **2007.**

Assemblyman Parks moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 198.
Bill read third time.
Remarks by Assemblyman Claborn.
Roll call on Senate Bill No. 198:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 198 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 6:32 p.m.

## ASSEMBLY IN SESSION

At 8:34 p.m.
Madam Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

### NOTICE OF EXEMPTION

May 25, 2007

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 620, 621, 622 and 623.

MARK STEVENS
*Fiscal Analysis Division*

Assemblyman Oceguera moved that Senate Bill No. 328 be taken from its position on General File and placed at the top of the General File.
Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 516 be taken from its position on General File and placed at the top of the General File.
Motion carried.

### GENERAL FILE AND THIRD READING

Senate Bill No. 328.
Bill read third time.
The following amendment was proposed by Assemblyman Segerblom:
Amendment No. 1027.
AN ACT relating to educational personnel; **revising provisions governing the monthly salaries of the members of the boards of trustees of school districts;** requiring the board of trustees of each school district to adopt a program to engage certain administrators in annual classroom instruction, observation and other activities; making various changes regarding the

evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

**Existing law prescribes varying salaries for the officers and other members of the boards of trustees of school districts based on the number of pupils enrolled in the school district during the immediately preceding school year. (NRS 386.320) Section 2 of this bill revises provisions governing the salaries of the members of the boards of trustees of school districts based on the population of the county in which the school district is located. Section 2 also authorizes a member of the board of trustees to donate all or a part of his salary to a school within the school district or to the school district.**

The board of trustees of a school district is authorized to employ a superintendent of schools, teachers and all other necessary employees. (NRS 391.100, 391.110, 391.120) Section ~~[1]~~ **4** of this bill requires the board of trustees of each school district to adopt a program to engage administrators employed at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators.

Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125) Section ~~[5]~~ **8** of this bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, every effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) Section ~~[6]~~ **9** of this bill requires that, if an administrator admonishes a teacher, an admonition must include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.

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

***Section 1.*** **NRS 386.290 is hereby amended to read as follows:**

386.290 1. In addition to salaries ~~[allowed under]~~ ***required by*** NRS 386.320**,** a trustee ~~[shall]~~ ***must*** be allowed:

(a) His traveling expenses for traveling each way between his home and the place where board meetings are held at the rate authorized by law for state officers.

(b) His living expenses necessarily incurred while in actual attendance at board meetings at the rate authorized by law for state officers.

2. Claims for mileage and per diem allowances ~~[shall]~~ ***must*** be allowed and paid in the same manner as other claims against the school district fund

are paid, but no claim for mileage and per diem allowances for living expenses ~~[shall]~~ ***must*** be allowed or paid to a trustee residing not more than 5 miles from the place where board meetings are held.

***Sec. 2.*** **NRS 386.320 is hereby amended to read as follows:**

386.320 1. ~~[If the total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed $170 a month.~~

~~(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed $160 a month.~~

~~(c)]~~ ***Each member of the board of trustees of a school district in a county whose population is less than 100,000 must receive a salary of $115 for each meeting of the board he attends, not to exceed $345 per month.***

***2. Each member of the board of trustees of a school district in a county whose population is 100,000 or more must receive a salary of $2,000 per month.***

***3. A member of the board of trustees of a school district who receives a salary pursuant to this section may:***

***(a) Donate all or a part of the monthly salary that he receives to a school within the school district or to the school district; or***

***(b) In lieu of making a donation after he receives the salary, request that all or a part of his monthly salary be paid directly to a school within the school district or to the school district.***

***4.*** The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.

~~[ 2. If the total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:~~

~~(a) The clerk and president of the board of trustees may each receive a salary of $85 for each board of trustees meeting they attend, not to exceed $510 a month.~~

~~(b) The other trustees may each receive a salary of $80 for each board of trustees meeting they attend, not to exceed $480 a month.~~

~~(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.]~~

***Sec. 3.*** **NRS 387.310 is hereby amended to read as follows:**

387.310 1. Except as otherwise provided by the board of trustees, the clerk of the board shall draw all orders for the payment of money belonging to the school district. The orders must be listed on cumulative voucher sheets.

2. The board of trustees shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed. The procedures must provide:

(a) That the approval of the board of trustees is required before orders are paid unless a payment must be expedited for the school district to:

(1) Receive a discount or other savings which is related to the timeliness of payment;

(2) Avoid a service charge or other cost which is related to the timeliness of payment; or

(3) Abide by a purchase order, contract or other order for payment which has been approved by the board of trustees at a public meeting.

(b) For ratification by the board of trustees at its next regularly scheduled meeting of any payment that is made without the approval of the board pursuant to an exception set forth in paragraph (a).

3. When the orders have been approved and the cumulative voucher sheets have been signed in accordance with such procedures, the orders are valid vouchers in the hands of the county auditor for him to issue warrants on the county treasurer to be paid out of money belonging to the school district.

4. No order in favor of the board of trustees or any member thereof, except for salaries as ~~[authorized]~~ ***required*** by NRS 386.320 ~~[, authorized]~~ ***or*** travel expenses and subsistence ~~[of trustees or for services of any trustee as clerk of the board,]~~ ***as authorized by NRS 386.290,*** may be drawn.

5. No order for salary for any teacher may be drawn unless the teacher is included in the directory of teachers supplied to the clerk of the board of trustees pursuant to the provisions of NRS 391.045.

6. An order drawn by a clerk of a board of trustees pursuant to subsection 1 is void if not presented for payment within 1 year after the date of issuance.

7. Any order remaining unpaid after the expiration of 1 year, whether outstanding or uncalled for in the office of the county auditor, must be cancelled by the county auditor, who shall immediately notify the county treasurer of the cancellation. The county treasurer shall not pay a warrant presented for payment more than 1 year after the date of issuance of such an order. This subsection does not apply if the board of trustees establishes and administers a separate account pursuant to NRS 354.603.

~~[Section 1.]~~ ***Sec. 4.*** Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. The board of trustees of each school district shall adopt a policy that sets forth procedures and conditions for a program to engage administrators employed by the school district at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators. The policy must require each administrator employed by the school district at the district level to:***

***(a) If he holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or***

***(b) If he does not hold a license to teach:***

***(1) Personally observe a classroom for at least one-half of a regularly scheduled full instructional day in each school year; or***

***(2) Otherwise participate in activities with pupils in the classroom in each school year, including, without limitation, serving as a guest speaker in the classroom, reading to pupils in elementary school and participating in career day.***

***2. A district level administrator may choose a school within the school district at which he will carry out the requirements of this section.***

***3. An administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a substitute teacher for the full instructional day in which he carries out the requirements of this section.***

***4. The provisions of this section do not apply to administrators who are employed by a school district to provide administrative service at the school level, including, without limitation, a principal or vice principal.***

***5. As used in this section, "core academic subject" means the core academic subjects designated pursuant to NRS 389.018.***

~~[Sec. 2.]~~ ***Sec. 5.*** (Deleted by amendment.)

~~[Sec. 3.]~~ ***Sec. 6.*** (Deleted by amendment.)

~~[Sec. 4.]~~ ***Sec. 7.*** (Deleted by amendment.)

~~[Sec. 5.]~~ Sec. 8. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded ~~[no]~~ ***not*** later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the***

***teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.***

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~[no]~~ ***not*** later than ~~[February 15]~~ ***March 1*** of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. ***An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.***

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~[, if]~~ ***include, without limitation:***

***(a) An evaluation of the classroom management skills of the teacher;***

***(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;***

***(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;***

***(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;***

***(e) If*** necessary, ~~[include]~~ recommendations for improvements in ~~[his]~~ ***the*** performance ~~[. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.]~~ ***of the teacher;***

***(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and***

***(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.***

*7.* The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. ***Upon the request of a teacher, a reasonable effort must be made to assist the teacher***

***to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.***

~~[Sec. 6.]~~ ***Sec. 9.*** NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion ~~[,]~~ ***or*** dismissal or ***may*** cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection ~~[2,]~~ ***3,*** bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ ***The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.***

***2.*** An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

~~[2.]~~ ***3.*** An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~[February 15]~~ ***March 1*** of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~[3.]~~ ***4.*** A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

~~[Sec. 7.]~~ ***Sec. 10.*** NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary

employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[A]~~ ***If a*** probationary employee ~~[who receives an unsatisfactory evaluation]~~ ***receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him, the employee*** may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in ~~[the]~~ ***this*** State. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

~~[Sec. 8.]~~ ***Sec. 11.*** On or before February 1, 2008, the board of trustees of each school district shall submit a copy of the program to engage administrators in annual classroom instruction, observation and other activities adopted by the school district pursuant to section ~~[1]~~ **4** of this act to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

***Sec. 12.*** **Notwithstanding the provisions of NRS 386.320, as amended by section 2 of this act, to the contrary, the salaries of the members of the board of trustees of a school district are not required to be increased pursuant to that section until July 1, 2008.**

***Sec. 13.*** **The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

~~[Sec. 9.]~~ ***Sec. 14.*** This act becomes effective on July 1, 2007.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 516.

Bill read third time.

The following amendment was proposed by Assemblywoman Pierce:

Amendment No. 1031.

AN ACT relating to public officers; revising the provisions governing the compensation of certain elected county officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill increases **, by 3 percent for each of Fiscal Years 2007-2008, 2008-2009, 2009-2010 and 2010-2011,** the maximum amount at which the board of county commissioners may set the annual salary for a county commissioner of that county. Section 1 also increases, by 3 percent for each of Fiscal Years 2007-2008, 2008-2009, 2009-2010 and 2010-2011, the compensation to be paid to certain other elected county officers. (NRS 245.043) Pursuant to section 3 of this bill, the increases applicable to: (1) Fiscal Year 2007-2008, become effective on July 1, 2007; (2) Fiscal Year 2008-2009, become effective on July 1, 2008; (3) Fiscal Year 2009-2010, become effective on July 1, 2009; and (4) Fiscal Year 2010-2011, become effective on July 1, 2010. However, section 4 of this bill authorizes a county that has not commenced payment of the increased annual salaries to request and receive a waiver from payment of the increases based on insufficient financial resources. If a waiver is granted for any fiscal year, section 4 prohibits retroactive payment of the increases for that fiscal year. Section 1 also changes the salary classification of Storey County, thereby increasing the amount of the annual salaries paid to its elected county officers. Section 2 of this bill clarifies that county commissioners are eligible for longevity pay. (NRS 245.044)

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

Section 1. NRS 245.043 is hereby amended to read as follows:

245.043 1. As used in this section:

(a) "County" includes Carson City.

(b) "County commissioner" includes the Mayor and supervisors of Carson City.

2. Except as otherwise provided by any special law, the elected officers of the counties of this State are entitled to receive ***, for the appropriate fiscal year,*** annual salaries in the base amounts specified in the following table. The annual salaries are in full payment for all services required by law to be performed by such officers. Except as otherwise provided by law, all fees and commissions collected by such officers in the performance of their duties must be paid into the county treasury each month without deduction of any nature.

ANNUAL SALARIES

| Class | County | District Attorney | County Sheriff | County Clerk | County Assessor | County Recorder | Treasurer | Public Administrator |
|---|---|---|---|---|---|---|---|---|
| 1 | Clark | ~~[$155,745~~ | ~~$134,263~~ | ~~$91,138~~ | ~~$91,138~~ | ~~$91,138~~ | ~~$91,138~~ | ~~$91,138]~~ |
| ***FY 2007-2008*** | | ***$160,417*** | ***$138,291*** | ***$93,872*** | ***$93,872*** | ***$93,872*** | ***$93,872*** | ***$93,872*** |
| ***FY 2008-2009*** | | ***165,230*** | ***142,440*** | ***96,668*** | ***96,668*** | ***96,668*** | ***96,668*** | ***96,668*** |
| ***FY 2009-2010*** | | ***170,187*** | ***146,713*** | ***99,589*** | ***99,589*** | ***99,589*** | ***99,589*** | ***99,589*** |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***FY 2010-2011*** | ***175,293*** | ***151,114*** | ***102,577*** | ***102,577*** | ***102,577*** | ***102,577*** | ***102,577*** |
| 2 Washoe | [~~137,485~~ | ~~110,632~~ | ~~83,543~~ | ~~83,543~~ | ~~83,543~~ | ~~83,543~~ | ~~83,543~~] |
| ***FY 2007-2008*** | ***141,610*** | ***113,951*** | ***86,049*** | ***86,049*** | ***86,049*** | ***86,049*** | ***86,049*** |
| ***FY 2008-2009*** | ***145,858*** | ***117,370*** | ***88,630*** | ***88,630*** | ***88,630*** | ***88,630*** | ***88,630*** |
| ***FY 2009-2010*** | ***150,234*** | ***120,891*** | ***91,289*** | ***91,289*** | ***91,289*** | ***91,289*** | ***91,289*** |
| ***FY 2010-2011*** | ***154,741*** | ***124,518*** | ***94,028*** | ***94,028*** | ***94,028*** | ***94,028*** | ***94,028*** |
| 3 Carson City | [~~98,707~~ | ~~81,846~~ | ~~65,012~~ | ~~65,012~~ | ~~-------~~ | ~~65,012~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***101,668*** | ***84,301*** | ***66,962*** | ***66,962*** | | ***66,962*** | |
| ***FY 2008-2009*** | ***104,718*** | ***86,830*** | ***68,971*** | ***68,971*** | | ***68,971*** | |
| ***FY 2009-2010*** | ***107,860*** | ***89,435*** | ***71,040*** | ***71,040*** | | ***71,040*** | |
| ***FY 2010-2011*** | ***111,096*** | ***92,118*** | ***73,171*** | ***73,171*** | | ***73,171*** | |
| Churchill | [~~98,707~~ | ~~81,846~~ | ~~65,012~~ | ~~65,012~~ | ~~65,012~~ | ~~-------~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***101,668*** | ***84,301*** | ***66,962*** | ***66,962*** | ***66,962*** | | |
| ***FY 2008-2009*** | ***104,718*** | ***86,830*** | ***68,971*** | ***68,971*** | ***68,971*** | | |
| ***FY 2009-2010*** | ***107,860*** | ***89,435*** | ***71,040*** | ***71,040*** | ***71,040*** | | |
| ***FY 2010-2011*** | ***111,096*** | ***92,118*** | ***73,171*** | ***73,171*** | ***73,171*** | | |
| Douglas | [~~98,707~~ | ~~81,846~~ | ~~65,012~~ | ~~65,012~~ | ~~65,012~~ | ~~-------~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***101,668*** | ***84,301*** | ***66,962*** | ***66,962*** | ***66,962*** | | |
| ***FY 2008-2009*** | ***104,718*** | ***86,830*** | ***68,971*** | ***68,971*** | ***68,971*** | | |
| ***FY 2009-2010*** | ***107,860*** | ***89,435*** | ***71,040*** | ***71,040*** | ***71,040*** | | |
| ***FY 2010-2011*** | ***111,096*** | ***92,118*** | ***73,171*** | ***73,171*** | ***73,171*** | | |
| Elko | [~~98,707~~ | ~~81,846~~ | ~~65,012~~ | ~~65,012~~ | ~~65,012~~ | ~~65,012~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***101,668*** | ***84,301*** | ***66,962*** | ***66,962*** | ***66,962*** | ***66,962*** | |
| ***FY 2008-2009*** | ***104,718*** | ***86,830*** | ***68,971*** | ***68,971*** | ***68,971*** | ***68,971*** | |
| ***FY 2009-2010*** | ***107,860*** | ***89,435*** | ***71,040*** | ***71,040*** | ***71,040*** | ***71,040*** | |
| ***FY 2010-2011*** | ***111,096*** | ***92,118*** | ***73,171*** | ***73,171*** | ***73,171*** | ***73,171*** | |
| Humboldt | [~~98,707~~ | ~~81,846~~ | ~~65,012~~ | ~~65,012~~ | ~~65,012~~ | ~~65,012~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***101,668*** | ***84,301*** | ***66,962*** | ***66,962*** | ***66,962*** | ***66,962*** | |
| ***FY 2008-2009*** | ***104,718*** | ***86,830*** | ***68,971*** | ***68,971*** | ***68,971*** | ***68,971*** | |
| ***FY 2009-2010*** | ***107,860*** | ***89,435*** | ***71,040*** | ***71,040*** | ***71,040*** | ***71,040*** | |
| ***FY 2010-2011*** | ***111,096*** | ***92,118*** | ***73,171*** | ***73,171*** | ***73,171*** | ***73,171*** | |
| Lyon | [~~98,707~~ | ~~81,846~~ | ~~65,012~~ | ~~65,012~~ | ~~65,012~~ | ~~-------~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***101,668*** | ***84,301*** | ***66,962*** | ***66,962*** | ***66,962*** | | |
| ***FY 2008-2009*** | ***104,718*** | ***86,830*** | ***68,971*** | ***68,971*** | ***68,971*** | | |
| ***FY 2009-2010*** | ***107,860*** | ***89,435*** | ***71,040*** | ***71,040*** | ***71,040*** | | |
| ***FY 2010-2011*** | ***111,096*** | ***92,118*** | ***73,171*** | ***73,171*** | ***73,171*** | | |
| Nye | [~~98,707~~ | ~~81,846~~ | ~~65,012~~ | ~~65,012~~ | ~~65,012~~ | ~~65,012~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***101,668*** | ***84,301*** | ***66,962*** | ***66,962*** | ***66,962*** | ***66,962*** | |
| ***FY 2008-2009*** | ***104,718*** | ***86,830*** | ***68,971*** | ***68,971*** | ***68,971*** | ***68,971*** | |
| ***FY 2009-2010*** | ***107,860*** | ***89,435*** | ***71,040*** | ***71,040*** | ***71,040*** | ***71,040*** | |
| ***FY 2010-2011*** | ***111,096*** | ***92,118*** | ***73,171*** | ***73,171*** | ***73,171*** | ***73,171*** | |
| 4 Lander | [~~93,223~~ | ~~73,662~~ | ~~54,227~~ | ~~54,227~~ | ~~54,227~~ | ~~54,227~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***96,020*** | ***75,872*** | ***55,854*** | ***55,854*** | ***55,854*** | ***55,854*** | |
| ***FY 2008-2009*** | ***98,901*** | ***78,148*** | ***57,530*** | ***57,530*** | ***57,530*** | ***57,530*** | |
| ***FY 2009-2010*** | ***101,868*** | ***80,492*** | ***59,256*** | ***59,256*** | ***59,256*** | ***59,256*** | |
| ***FY 2010-2011*** | ***104,924*** | ***82,907*** | ***61,034*** | ***61,034*** | ***61,034*** | ***61,034*** | |
| ***Storey*** | | | | | | | |
| ***FY 2007-2008*** | ***96,020*** | ***75,872*** | ***55,854*** | ***55,854*** | ***55,854*** | ***55,854*** | |
| ***FY 2008-2009*** | ***98,901*** | ***78,148*** | ***57,530*** | ***57,530*** | ***57,530*** | ***57,530*** | |
| ***FY 2009-2010*** | ***101,868*** | ***80,492*** | ***59,256*** | ***59,256*** | ***59,256*** | ***59,256*** | |
| ***FY 2010-2011*** | ***104,924*** | ***82,907*** | ***61,034*** | ***61,034*** | ***61,034*** | ***61,034*** | |
| White Pine | [~~93,223~~ | ~~73,662~~ | ~~54,227~~ | ~~54,227~~ | ~~54,227~~ | ~~54,227~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***96,020*** | ***75,872*** | ***55,854*** | ***55,854*** | ***55,854*** | ***55,854*** | |
| ***FY 2008-2009*** | ***98,901*** | ***78,148*** | ***57,530*** | ***57,530*** | ***57,530*** | ***57,530*** | |
| ***FY 2009-2010*** | ***101,868*** | ***80,492*** | ***59,256*** | ***59,256*** | ***59,256*** | ***59,256*** | |
| ***FY 2010-2011*** | ***104,924*** | ***82,907*** | ***61,034*** | ***61,034*** | ***61,034*** | ***61,034*** | |
| 5 Eureka | [~~82,256~~ | ~~58,929~~ | ~~48,607~~ | ~~48,607~~ | ~~48,607~~ | ~~-------~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***84,724*** | ***60,697*** | ***50,065*** | ***50,065*** | ***50,065*** | | |
| ***FY 2008-2009*** | ***87,266*** | ***62,518*** | ***51,567*** | ***51,567*** | ***51,567*** | | |
| ***FY 2009-2010*** | ***89,884*** | ***64,394*** | ***53,114*** | ***53,114*** | ***53,114*** | | |
| ***FY 2010-2011*** | ***92,581*** | ***66,326*** | ***54,707*** | ***54,707*** | ***54,707*** | | |
| Lincoln | [~~82,256~~ | ~~58,929~~ | ~~48,607~~ | ~~48,607~~ | ~~48,607~~ | ~~48,607~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***84,724*** | ***60,697*** | ***50,065*** | ***50,065*** | ***50,065*** | ***50,065*** | |
| ***FY 2008-2009*** | ***87,266*** | ***62,518*** | ***51,567*** | ***51,567*** | ***51,567*** | ***51,567*** | |
| ***FY 2009-2010*** | ***89,884*** | ***64,394*** | ***53,114*** | ***53,114*** | ***53,114*** | ***53,114*** | |
| ***FY 2010-2011*** | ***92,581*** | ***66,326*** | ***54,707*** | ***54,707*** | ***54,707*** | ***54,707*** | |
| Mineral | [~~82,256~~ | ~~58,929~~ | ~~48,607~~ | ~~48,607~~ | ~~48,607~~ | ~~-------~~ | ~~-------~~] |
| ***FY 2007-2008*** | ***84,724*** | ***60,697*** | ***50,065*** | ***50,065*** | ***50,065*** | | |
| ***FY 2008-2009*** | ***87,266*** | ***62,518*** | ***51,567*** | ***51,567*** | ***51,567*** | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| *FY 2009-2010* | *89,884* | *64,394* | *53,114* | *53,114* | *53,114* | | |
| *FY 2010-2011* | *92,581* | *66,326* | *54,707* | *54,707* | *54,707* | | |
| Pershing | ~~[82,256~~ | ~~58,929~~ | ~~48,607~~ | ~~48,607~~ | ~~48,607~~ | ~~-------~~ | ~~-------]~~ |
| *FY 2007-2008* | *84,724* | *60,697* | *50,065* | *50,065* | *50,065* | | |
| *FY 2008-2009* | *87,266* | *62,518* | *51,567* | *51,567* | *51,567* | | |
| *FY 2009-2010* | *89,884* | *64,394* | *53,114* | *53,114* | *53,114* | | |
| *FY 2010-2011* | *92,581* | *66,326* | *54,707* | *54,707* | *54,707* | | |
| ~~[Storey]~~ | ~~[82,256~~ | ~~58,929~~ | ~~48,607~~ | ~~48,607~~ | ~~48,607~~ | ~~-------~~ | ~~-------]~~ |
| 6 Esmeralda | ~~[65,314~~ | ~~52,382~~ | ~~42,531~~ | ~~42,531~~ | ~~42,531~~ | ~~-------~~ | ~~-------]~~ |
| *FY 2007-2008* | *67,273* | *53,953* | *43,807* | *43,807* | *43,807* | | |
| *FY 2008-2009* | *69,291* | *55,572* | *45,121* | *45,121* | *45,121* | | |
| *FY 2009-2010* | *71,370* | *57,239* | *46,475* | *46,475* | *46,475* | | |
| *FY 2010-2011* | *73,511* | *58,956* | *47,869* | *47,869* | *47,869* | | |

3. A board of county commissioners may, by a vote of at least a majority of all the members of the board, set the annual salary for the county commissioners of that county, but in no event may the annual salary exceed an amount which equals ~~[126.65]~~ ~~*[139.315]*~~ :

***(a) For Fiscal Year 2007-2008, 130.450*** percent ;

***(b) For Fiscal Year 2008-2009, 134.364 percent;***

***(c) For Fiscal Year 2009-2010, 138.395 percent; and***

***(d) For Fiscal Year 2010-2011, 142.547 percent,***

➥ of the amount of the annual salary for the county commissioners of that county that was in effect by operation of statute on January 1, 2003.

Sec. 2. NRS 245.044 is hereby amended to read as follows:

245.044 1. On and after July 1, 1973, if an elected county officer has served in his office for more than 4 years, he is entitled to an additional salary of 2 percent of his base salary **for the appropriate fiscal year as provided in subsection 2 of** NRS 245.043 ***or his annual salary set pursuant to subsection 3 of NRS 245.043, as applicable,*** for each full calendar year he has served in his office.

2. The additional salary provided in this section for an eligible county officer:

(a) Must be computed on July 1 of each year by multiplying 2 percent of the base salary ***for the appropriate fiscal year as*** provided in NRS 245.043 ***or the annual salary set pursuant to subsection 3 of NRS 245.043, as applicable,*** by the number of full calendar years the elected county officer has served in his office; and

(b) Must not exceed 20 percent of the base salary ***for the appropriate fiscal year as*** provided in NRS 245.043 ~~.~~ ***or the annual salary set pursuant to subsection 3 of NRS 245.043 , as applicable.***

3. Service on the Board of Supervisors of Carson City for the initial term which began on July 1, 1969, and ended on the first Monday of January, 1973, shall be deemed to constitute 4 full calendar years of service for the purposes of this section.

Sec. 3. Except as otherwise provided in section 4 of this act, each county shall commence payment of the increased annual salaries of the elected officers of the county set forth in the table of annual salaries contained in subsection 2 of NRS 245.043, as amended by section 1 of this act:

1. For Fiscal Year 2007-2008, on July 1, 2007.

2. For Fiscal Year 2008-2009, on July 1, 2008.

3. For Fiscal Year 2009-2010, on July 1, 2009.

4. For Fiscal Year 2010-2011, on July 1, 2010.

Sec. 4. 1. Except as otherwise provided in subsection 3, a board of county commissioners may apply to the Committee on Local Government Finance for a waiver from the requirement to increase the annual salaries of elected officers of the county to the annual salaries set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, for any of Fiscal Years 2007-2008, 2008-2009, 2009-2010 or 2010-2011, if the board determines that the financial resources of the county are insufficient to pay those increased annual salaries in the applicable fiscal year. The Committee on Local Government Finance shall grant such a waiver if it finds that the financial resources of the county are insufficient to pay those increased annual salaries in the applicable fiscal year.

2. A board of county commissioners that has been granted a waiver for a fiscal year as described in subsection 1 may apply to the Committee on Local Government Finance for an additional waiver for the next consecutive fiscal year if the board determines that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in that fiscal year. There is no limitation on the number of waivers for consecutive fiscal years that the board of county commissioners may be granted if the board determines that the financial resources of the county continue to be insufficient to pay the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in that fiscal year.

3. After commencing payment of the increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, in any fiscal year, a board of county commissioners may not apply for a waiver in any subsequent fiscal year.

4. The increased annual salaries of the elected officers of the county set forth in the table contained in subsection 2 of NRS 245.043, as amended by section 1 of this act, must not be paid retroactively for any fiscal year for which a waiver was granted to the county pursuant to subsection 1.

Sec. 5. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective on July 1, 2007.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 510.

Bill read third time.

Potential conflict of interest declared by Assemblywoman Womack.

Roll call on Assembly Bill No. 510:

YEAS—35.

NAYS—Beers, Cobb, Goicoechea, Stewart—4.

EXCUSED—Christensen, Goedhart, Settelmeyer—3.

Assembly Bill No. 510 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 5 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 146 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 202 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 288 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 320 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 403 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 533.

Bill read third time.

Remarks by Assemblywomen Koivisto and Womack.

Roll call on Senate Bill No. 533:

YEAS—10.

NAYS—Allen, Anderson, Atkinson, Beers, Bobzien, Buckley, Carpenter, Claborn, Denis, Goicoechea, Grady, Hardy, Hogan, Horne, Kihuen, Kirkpatrick, Koivisto, Mabey, Manendo, Marvel, McClain, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Smith, Stewart, Womack—30.

EXCUSED—Christensen, Settelmeyer—2.

Senate Bill No. 533 having failed to receive a constitutional majority, Madam Speaker declared it lost.

Senate Bill No. 536.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 536:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Settelmeyer—2.

Senate Bill No. 536 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 400.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 400:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Settelmeyer—2.

Senate Bill No. 400 having received a constitutional majority, Madam Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 203.

Bill read third time.

Remarks by Assemblyman Kihuen.

Roll call on Senate Bill No. 203:

YEAS—40.

NAYS—None.

EXCUSED—Christensen, Settelmeyer—2.

Senate Bill No. 203 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 374.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Senate Bill No. 374:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 374 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 234 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 234.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 1032.

SUMMARY—~~[Provides exception to competitive bidding procedures for certain contracts relating to redevelopment areas. (BDR 28-490)]~~ **Revises provisions governing the division of the proceeds of certain taxes. (BDR 22-490)**

AN ACT relating to ~~[public works; exempting contracts for certain projects within redevelopment areas from procedures for competitive bidding;]~~ **redevelopment; providing that the proceeds of taxes which are levied by or for the benefit of a school district must be excluded from certain calculations used to determine the revenue that is allocable to a redevelopment agency from the imposition of certain taxes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[ Existing law requires that contracts for public works projects be awarded through procedures for competitive bidding. (NRS 338.1373-338.148) Existing law authorizes public bodies to redevelop blighted areas. (Chapter 279 of NRS) This bill exempts contracts for certain public improvement projects from procedures for competitive bidding. The projects exempted are those: (1) constructed within a redevelopment area by a private developer for the benefit of a private development that consists of one or more buildings for which the estimated cost is $45 million or more; (2) that a legislative body has determined, at a public hearing, directly benefit a redevelopment area, promote efficiency, coordination and economy in design and~~

~~construction, and mitigate any adverse effect upon the redevelopment area that is caused by the private development; (3) that are adjacent or appurtenant to the private development; and (4) for which the developer will receive monetary compensation from a public body as reimbursement for a portion of the costs of the project. This bill also provides that such contracts are subject to the prevailing wage requirements of chapter 338 of NRS.]~~

**Under existing law, a redevelopment plan may contain a provision for the allocation of a certain portion of the proceeds of certain ad valorem taxes to a redevelopment agency. (NRS 279.386, 279.674-279.685) This bill provides that, in the calculations prescribed to determine the amount of levied taxes that are allocable to a redevelopment agency, taxes that are levied by or for the benefit of a school district must be excluded.**

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

Delete existing sections 1 through 8 of this bill and replace with the following new sections 1 through 4:

***Section 1.*** **NRS 279.676 is hereby amended to read as follows:**

279.676 1. Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in the redevelopment area each year by or for the benefit of the State, any city, county, district or other public corporation, after the effective date of the ordinance approving the redevelopment plan, must be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment area as shown upon the assessment roll used in connection with the taxation of the property by the taxing agency, last equalized before the effective date of the ordinance, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid. To allocate taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment area on the effective date of the ordinance but to which the territory has been annexed or otherwise included after the effective date, the assessment roll of the county last equalized on the effective date of the ordinance must be used in determining the assessed valuation of the taxable property in the redevelopment area on the effective date. If property which was shown on the assessment roll used to determine the amount of taxes allocated to the taxing agencies is transferred to the State and becomes exempt from taxation, the assessed valuation of the exempt property as shown on the assessment roll last equalized before the date on which the property was transferred to the State must be subtracted from the assessed valuation used to determine the amount of revenue allocated to the taxing agencies.

(b) Except as otherwise provided in paragraphs (c) and (d) and NRS 540A.265, that portion of the levied taxes each year in excess of the amount set forth in paragraph (a) must be allocated to and when collected must be paid into a special fund of the redevelopment agency to pay the costs of redevelopment and to pay the principal of and interest on loans, money advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, incurred by the redevelopment agency to finance or refinance, in whole or in part, redevelopment. Unless the total assessed valuation of the taxable property in a redevelopment area exceeds the total assessed value of the taxable property in the redevelopment area as shown by the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan, less the assessed valuation of any exempt property subtracted pursuant to paragraph (a), all of the taxes levied and collected upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies. When the redevelopment plan is terminated pursuant to the provisions of NRS 279.438 and 279.439 and all loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the redevelopment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

(c) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a tax rate levied by a taxing agency to produce revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the debt service fund of that taxing agency.

(d) That portion of the taxes in excess of the amount set forth in paragraph (a) that is attributable to a new or increased tax rate levied by a taxing agency and was approved by the voters of the taxing agency on or after November 5, 1996, must be allocated to and when collected must be paid into the appropriate fund of the taxing agency.

(e) The calculations set forth in paragraphs (a) to (d), inclusive, for the division of the proceeds of taxes must exclude the proceeds of any taxes levied by or for the benefit of a school district.

2. Except as otherwise provided in subsection 3, in any fiscal year, the total revenue paid to a redevelopment agency must not exceed:

(a) In a municipality whose population is 100,000 or more, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 10 percent of the total assessed valuation of the municipality.

(b) In a municipality whose population is 25,000 or more but less than 100,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 15 percent of the total assessed valuation of the municipality.

(c) In a municipality whose population is less than 25,000, an amount equal to the combined tax rates of the taxing agencies for that fiscal year multiplied by 20 percent of the total assessed valuation of the municipality.

➥ If the revenue paid to a redevelopment agency must be limited pursuant to paragraph (a), (b) or (c) and the redevelopment agency has more than one redevelopment area, the redevelopment agency shall determine the allocation to each area. Any revenue which would be allocated to a redevelopment agency but for the provisions of this section must be paid into the funds of the respective taxing agencies.

3. The taxing agencies shall continue to pay to a redevelopment agency any amount which was being paid before July 1, 1987, and in anticipation of which the agency became obligated before July 1, 1987, to repay any bond, loan, money advanced or any other indebtedness, whether funded, refunded, assumed or otherwise incurred.

4. For the purposes of this section, the assessment roll last equalized before the effective date of the ordinance approving the redevelopment plan is the assessment roll in existence on March 15 immediately preceding the effective date of the ordinance.

***Sec. 2.*** **Except as otherwise provided in section 3 of this act, the provisions of NRS 279.676, as amended by section 1 of this act, apply with respect to the division of taxes, or the proceeds of taxes, pursuant to or in connection with a redevelopment plan that is adopted on or after July 1, 2007.**

***Sec. 3.*** **1. The provisions of NRS 279.676, as amended by section 1 of this act, do not apply to modify, directly or indirectly, any taxes levied or revenues pledged in such a manner as to impair adversely any outstanding obligations of a community or redevelopment agency, including, without limitation, bonds, medium-term financing, letters of credit and any other financial obligation, until all such obligations have been discharged in full or provision for their payment and redemption has been fully made.**

**2. As used in this section:**

**(a) "Community" has the meaning ascribed to it in NRS 279.392.**

**(b) "Redevelopment agency" has the meaning ascribed to the term "agency" in NRS 279.386.**

***Sec. 4.*** **This act becomes effective on July 1, 2007.**

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

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

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 394 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Senate Bill No. 509.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Senate Bill No. 509:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 509 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 598.
Bill read third time.
Roll call on Assembly Bill No. 598:
YEAS—33.
NAYS—Allen, Beers, Cobb, Gansert, Goedhart, Settelmeyer, Stewart, Weber—8.
EXCUSED—Christensen.
Assembly Bill No. 598 having received a two-thirds majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 196.
Bill read third time.
Remarks by Assemblyman Kihuen.
Roll call on Senate Bill No. 196:
YEAS—38.
NAYS—Atkinson, Conklin, Oceguera—3.
EXCUSED—Christensen.
Senate Bill No. 196 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 274.
Bill read third time.
Remarks by Assemblywoman Pierce.
Roll call on Senate Bill No. 274:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 274 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 401.
Bill read third time.

Roll call on Senate Bill No. 401:

YEAS—28.

NAYS—Allen, Beers, Carpenter, Cobb, Gansert, Goedhart, Goicoechea, Grady, Hardy, Mabey, Marvel, Settelmeyer, Weber—13.

EXCUSED—Christensen.

Senate Bill No. 401 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 354.

Bill read third time.

Remarks by Assemblymen Horne and Goicoechea.

Roll call on Senate Bill No. 354:

YEAS—32.

NAYS—Beers, Claborn, Gansert, Goedhart, Grady, Hardy, Settelmeyer, Stewart, Weber—9.

EXCUSED—Christensen.

Senate Bill No. 354 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:10 p.m.

## ASSEMBLY IN SESSION

At 9:21 p.m.

Madam Speaker presiding.

Quorum present.

### UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 54.

The following Senate amendment was read:

Amendment No. 835.

SUMMARY—~~[Requires applicants for a]~~ **Makes various changes with respect to** special license ~~[plate to pay an application fee which is refundable in certain circumstances.]~~ **plates.** (BDR 43-740)

AN ACT relating to motor vehicles; requiring an applicant requesting the design, preparation and issuance of a special license plate to ~~[pay an application fee;]~~ **post a surety bond with the Department of Motor Vehicles;** providing for the ~~[refund]~~ **release** of the ~~[application fee]~~ **surety bond** in certain circumstances; **requiring the Commission on Special License Plates to approve or disapprove changes in the distribution of additional fees generated by special license plates;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill requires a person submitting an application to the Department of Motor Vehicles for the design, preparation and issuance of a special license plate to ~~[submit a fee]~~ **post with the Department a surety bond** in the amount of $5,000 ~~[with]~~ **to accompany** the application. (NRS 482.367002) The Department is required to ~~[refund the fee to the applicant]~~ **release the bond** if the Department or the Commission on Special License Plates decides not to issue the plate, or after at least 1,000 plates are issued.

**Section 2 of this bill provides that the Commission shall: (1) approve or disapprove any proposed change in the distribution of money received in the form of additional fees that are charged in connection with the issuance or renewal of a special license plate; and (2) if it approves such a change and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft. (NRS 482.367004)**

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

Section 1. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) ~~[Must be accompanied by a petition containing the signatures of at least 1,000 persons who wish to obtain the special license plate;~~

~~(c)]~~ Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization; ~~[and]~~

~~[(d)]~~ ***(c)*** May be accompanied by suggestions for the design of and colors to be used in the special license plate ~~[.]~~ ***; and***

***(d) Must be accompanied by a*** ~~*[fee]*~~ surety bond posted with the Department ***in the amount of $5,000.***

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection 5 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection 5 of NRS 482.367004; and

(c) Complies with the requirements of subsection 8 of NRS 482.270,

➥ for any passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. ~~*[Except as otherwise provided in subsection 6, the application fee submitted pursuant to subsection 2 must be deposited in the Revolving Account for the Issuance of Special License Plates created pursuant to NRS 482.1805.*~~

~~*6.]*~~ ***The Department must promptly*** ~~*[refund the application fee submitted]*~~ ***release the surety bond posted pursuant to subsection 2:***

***(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or***

***(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.***

~~*[7.]*~~ ***6.*** If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

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

***Sec. 2.*** **NRS 482.367004 is hereby amended to read as follows:**

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chairman of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also

served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or his designee.

(2) The Director of the Department of Public Safety, or his designee.

(3) The Director of the Department of Cultural Affairs, or his designee.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002; and

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002.

➥ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate.

***6. The Commission shall:***

***(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.***

***(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.***

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 54.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 80.

The following Senate amendment was read:

Amendment No. 801.

AN ACT relating to elections; requiring certain business entities to register with and provide certain identifying information to the Secretary of State before engaging in certain political activities; requiring the Secretary of State to make such information available on his Internet website; requiring certain business entities that make expenditures on behalf of a candidate or group of candidates or who advocate the passage or defeat of a question or group of questions on a ballot to file certain campaign finance reports; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain entities, including committees for political action and nonprofit corporations, must register with and provide certain information to the Secretary of State before engaging in certain political activities. (NRS 294A.0055, 294A.230, 294A.375) Under existing law, the definition of the term "committee for political action" excludes business associations that are required to file documentation of organization with the Secretary of State. (NRS 294A.0055) Sections 2 and 3 of this bill provide that business entities ~~[for which the owners, investors, officers, directors, members or other organizers are disclosed in a public record]~~ must register with and provide to the Secretary of State certain identifying information before the business entity may solicit or receive contributions, make contributions or make expenditures designed to affect the outcome of an election ~~[.]~~ **except a business entity for which: (1) the owners, investors, officers, directors, members or other organizers are disclosed in a public record; or (2) the business purpose is disclosed in a public record that clearly identifies a specific business in a manner that is verifiable.** Section 3 also requires the Secretary of State to make such information available on the Internet website of the Secretary of State.

Under existing law, certain persons and entities which make an expenditure on behalf of a candidate or group of candidates, advocate the passage or defeat of a ballot question or group of questions, or initiate or circulate a petition for a constitutional amendment or a statewide measure proposed by initiative or referendum, are required to report the receipt of certain campaign contributions and report certain campaign expenditures. (NRS 294A.004, 294A.005, 294A.007, 294A.140, 294A.150, 294A.210, 294A.220) Sections 5-9 of this bill apply the same requirements to business entities that are required to register with the Secretary of State pursuant to section 3 of this bill that engage in such activities.

Existing law requires the Secretary of State to prepare and make available for public inspection a compilation of certain contributions, loans and expenditures made by certain persons and entities in supporting or opposing a ballot question or candidate. (NRS 294A.400) Section 13 of this bill requires the Secretary of State to include within that compilation the same types of contributions, loans and expenditures if made by a business entity that is required to register with the Secretary of State pursuant to section 3 of this bill.

Existing law provides that if a person or entity fails to file a report or registration form as required pursuant to certain sections of chapter 294A of NRS, the person or entity may be subject to a civil penalty recovered in a civil action brought by the Secretary of State in the First Judicial District Court. (NRS 294A.420) Section 14 of this bill applies the same provisions to business entities that are required to register with the Secretary of State pursuant to section 3 of this bill.

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 and 3 of this act.

Sec. 2. ***"Business entity" means any corporation, company or other form of business organization . The term does not include a business entity for which [the] :***

***1. The owners, investors, officers, directors, members or other organizers of the entity are [not] disclosed in any public record [.] ; or***

***2. The business purpose of the entity is disclosed in a public record that clearly identifies a specific business in a manner that is verifiable.***

Sec. 3. ***1. A business entity shall register with the Secretary of State by submitting the completed form described in subsection 2 before it engages in any of the following activities in this State:***

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

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

***(c) Making expenditures,***

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

***2. The form must require:***

***(a) The name of the business entity;***

***(b) The purpose for which it was organized;***

***(c) The names and addresses of each owner, investor, officer, director, member or other organizer of the entity;***

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

***(e) The name, address and telephone number of its resident agent, if any;***

***(f) A designation of the activities listed in subsection 1 in which it intends to engage; and***

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

***3. The Secretary of State shall, in a timely manner, include on the portion of his Internet website that is devoted to information concerning elections and campaigns the information required pursuant to subsection 2.***

Sec. 4. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4.5. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures,

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

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business ~~[entity]~~ ***organization*** who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.

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

Sec. 5. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) 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;

(3) Committee for political action, political party **,** ~~[or]~~ committee sponsored by a political party ***or business entity*** which makes an expenditure on behalf of a candidate or group of candidates; or

(4) Person or group of persons organized formally or informally **,** ***including a business entity,*** who advocates the passage or defeat of a question or group of questions on the ballot,

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services he provides to a campaign.

Sec. 6. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that 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, and every committee for political action, political party **,** ~~[and]~~ committee sponsored by a political party ***and business entity*** which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee **,** ~~[or]~~ political party ~~[,]~~ ***or business entity,*** 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 he or it received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee **,** ~~[or]~~ political party ***or business entity*** beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election for that office, 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 that office, 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 that office, 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. The form must be signed by the person or a representative of the committee , ~~[or]~~ political party ***or business entity*** 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 $100 since the beginning of the current reporting period.

4. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election for that office, 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 that office, 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 committee , ~~[or]~~ political party ***or business entity*** under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate 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 committee , ~~[or]~~ political party ***or business entity*** under penalty of perjury.

6. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each 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 committee **,** ~~[or ]~~ political party ***or business entity*** 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 of contributions required pursuant to this section must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. A person or entity may file the report with 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. 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.

10. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

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

294A.150 1. Every person or group of persons organized formally or informally ***, including a business entity,*** 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 ***, including a business entity,*** 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 ***or business entity*** under penalty of perjury. The provisions of this subsection apply to the person or group of persons ~~[:]~~ ***or business entity:***

(a) Each year in which an election or city election is held for each question for which the person ***,*** ~~[or]~~ group ***or business entity*** advocates passage or defeat or each year in which a person ***,*** ~~[or]~~ group ***or business entity*** 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 ***, including a business entity,*** 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 ***, including a business entity,*** 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 ***or business entity*** 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 ***or business entity*** 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 ***, including a business entity,*** 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 ***, including a business entity,*** 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 ***or business entity*** 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 ***or business entity*** 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 ***or business entity*** under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally ***, including a business entity,*** 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 ***or business entity*** under penalty of perjury.

6. Every person or group of persons organized formally or informally , ***including a business entity,*** 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 ***or business entity*** 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 ***, including a business entity,*** 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.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that 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, and every committee for political action, political party ***,*** ~~[or]~~ committee sponsored by a political party ***or business entity*** which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ***,*** ~~[or]~~ political party ~~[,]~~ ***or business entity,*** 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 the candidate, the group of candidates or a candidate in the group of candidates 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 committee ***,*** ~~[or]~~ political party ***or business entity*** under penalty of perjury. The provisions of this subsection apply to the person, committee ***,*** ~~[or]~~ political party ***or business entity*** beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee ***,*** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election for that office, 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 that office, 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 that office, for the period from 11 days before the general election or general city election through the June 30 of that year,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates 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 committee ***,*** ~~[or]~~ political party ***or business entity*** under penalty of perjury.

3. Every person, committee , ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election for that office, 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 that office, 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 the candidate, the group of candidates or a candidate in the group of candidates 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 committee ***,*** ~~[or]~~ political party ***or business entity*** under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee ***,*** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate 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 the candidate, the group of candidates or a candidate in the group of candidates 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 committee **,** ~~[or]~~ political party ***or business entity*** under penalty of perjury.

5. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates 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 committee **,** ~~[or]~~ political party ***or business entity*** 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 must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. 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. 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.

10. Every person, committee **,** ~~[or]~~ political party ***or business entity*** described in subsection 1 shall file a report required by this section even if he or it receives no contributions.

Sec. 9. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every person or group of persons organized formally or informally ***, including a business entity,*** 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 ***, including a business entity,*** 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 ***or business entity*** under penalty of perjury. The provisions of this subsection apply to the person or group of persons ~~[:]~~ ***or business entity:***

(a) Each year in which an election or city election is held for a question for which the person **,** ~~[or]~~ group ***or business entity*** advocates passage or defeat or each year in which a person **,** ~~[or]~~ group of persons ***or business entity*** 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 , *including a business entity,*** 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 ***, including a business entity,*** 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 ***or business entity*** 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 ***or business entity*** 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 ***, including a business entity,*** 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 ***, including a business entity,*** 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 ***or business entity*** 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 ***or business entity*** 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 ***or business entity*** under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally ***, including a business entity,*** 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 ***or business entity*** under penalty of perjury.

5. Every person or group of persons organized formally or informally , ***including a business entity,*** 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 ***or business entity*** 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. 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.

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 ***and business entity*** 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 ***or business entity*** that is required to use the form.

Sec. 11. NRS 294A.382 is hereby amended to read as follows:

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

Sec. 12. 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 a business entity that wishes to engage in certain political activity pursuant to section 3 of this act;*** 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,

➥ 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 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. 13. 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, 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 ***or business entity*** on behalf of or against a question or group of questions on the ballot.

(c) Group of persons ***or business entity*** 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 ***, including a business entity,*** 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 ***or business entity*** which makes an expenditure on behalf of a candidate or group of candidates.

Sec. 14. 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.

Assemblywoman Koivisto moved that the Assembly concur in the Senate amendment to Assembly Bill No. 80.

Remarks by Assemblywoman Koivisto.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 826.

AN ACT relating to property; providing for the automatic transfer of ownership of certain vehicles and motorboats to designated beneficiaries on the death of the owner of such a vehicle or motorboat; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for nonprobate transfers of certain property from the owner to a named beneficiary, including, without limitation, nonprobate transfers of registered securities and securities registered in beneficiary form. (NRS 111.480-111.650) Section 1 of this bill amends chapter 482 of NRS which governs the licensing and registration of motor vehicles to provide that certain owners who hold certificates of title to registered motor vehicles, trailers or semitrailers may apply to the Department of Motor Vehicles for a certificate of title in beneficiary form which directs the Department to transfer the title to the designated beneficiary on the death of the present owner or on the deaths of all joint owners. Section 1 also provides procedures for obtaining and revoking a certificate of title in beneficiary form. In addition, section 1 specifies that a transfer of ownership made by a certificate of title in beneficiary form is not subject to the statutes generally governing probate matters.

Section 5 of this bill similarly amends chapter 488 of NRS which governs the licensing and registration of motorboats so that certain owners who hold certificates of ownership to numbered and titled motorboats may apply to the Department of Wildlife for a certificate of ownership in beneficiary form which directs the Department to transfer the ownership to the designated beneficiary on the death of the present owner or on the deaths of all joint owners. Section 5 also provides procedures for obtaining and revoking a certificate of ownership in beneficiary form. Further, section 5 exempts transfers made pursuant to such certificates of ownership from the statutes which generally govern probate matters.

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

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

***1. The owner or joint owners of a motor vehicle, trailer or semitrailer may request the Department to issue a certificate of title in beneficiary***

*form for the motor vehicle, trailer or semitrailer, as applicable, which includes a directive to the Department to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of title.*

*2. A request made pursuant to subsection 1 must be submitted on an application made available by the Department and accompanied by the fee for the issuance of a certificate of title.*

*3. A certificate of title in beneficiary form may not be issued to a person who holds his interest in a motor vehicle, trailer or semitrailer as a tenant in common with another person.*

*4. A certificate of title in beneficiary form must include after the name of the owner or after the names of joint owners the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.*

*5. During the lifetime of a sole owner or before the death of the last surviving joint owner:*

*(a) The signature or consent of the beneficiary is not required for any transaction relating to a motor vehicle, trailer or semitrailer for which a certificate of title in beneficiary form has been issued; and*

*(b) The certificate of title in beneficiary form may be revoked or the beneficiary changed at any time by:*

*(1) Sale of the motor vehicle, trailer or semitrailer with proper assignment and delivery of the certificate of title to another person; or*

*(2) Filing an application with, and paying a fee to, the Department to reissue the certificate of title with no designation of a beneficiary or with the designation of a different beneficiary.*

*6. The interest of the beneficiary in a motor vehicle, trailer or semitrailer on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the motor vehicle, trailer or semitrailer were subject during their lifetime.*

*7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of title in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.*

*8. The Department shall, upon:*

*(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;*

*(b) Surrender of the outstanding certificate of title in beneficiary form; and*

*(c) Application and payment of the fee for a certificate of title,*

*➥ issue a new certificate of title for the motor vehicle, trailer or semitrailer to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.*

***9. For the purposes of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.***

***10. The transfer on death of a motor vehicle, trailer or semitrailer pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.***

***11. As used in this section:***

***(a) "Beneficiary" means a person or persons designated to become the owner or owners of a motor vehicle, trailer or semitrailer on the death of the preceding owner or owners.***

***(b) "Certificate of title in beneficiary form" means a certificate of title of a motor vehicle, trailer or semitrailer that indicates the present owner or owners of the motor vehicle, trailer or semitrailer and designates a beneficiary.***

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle ***, the information required pursuant to subsection 3 of section 1 of this act if the certificate of title is a certificate of title in beneficiary form pursuant to section 1 of this act*** and such other statement of facts as may be determined by the Department. The reverse side of the certificate of title must contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 2, 5 and 6, ***and section 1 of this act,*** upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of

title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

3. Except as otherwise provided in subsections 4, 5 and 6, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

4. If the transferee is a dealer who intends to resell the vehicle, he is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 4. The wholesale vehicle auctioneer is not required to comply with subsection 1 if he:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and

(3) Stamps his name, his identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle.

6. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply

for registration as provided in NRS 482.215 and pay the governmental services taxes due.

7. As used in this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of his business buy, sell or own the vehicles he auctions.

Sec. 4. NRS 482.420 is hereby amended to read as follows:

482.420 1. Except as ***otherwise*** provided in subsection 2, in the event of the transfer by operation of law of the title or interest of an owner in and to a vehicle as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, ***transfer on death pursuant to section 1 of this act,*** or otherwise, the registration thereof ~~[shall expire]~~ ***expires*** and the vehicle ~~[shall]~~ ***must*** not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain the registration thereof.

2. An administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or any person repossessing the vehicle under the terms of a conditional sales contract, lease ~~[,]~~ or other security agreement, or the assignee or legal representative of any such person, may operate or cause to be operated any vehicle upon the highways for a distance ~~[of not exceeding]~~ ***not to exceed*** 75 miles from the place of repossession or place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage, either upon displaying upon such vehicle the number plate issued to the former owner or without a number plate attached thereto but under written permission first obtained from the Department or the local police authorities having jurisdiction over such highways, and upon displaying in plain sight a placard bearing the name and address of the person authorizing and directing such movement and plainly readable from a distance of 100 feet during daylight.

Sec. 5. Chapter 488 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. The owner or joint owners of a motorboat may request the Department to issue a certificate of ownership in beneficiary form for the motorboat which includes a directive to the Department to transfer the certificate of ownership upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of ownership.***

***2. A request made pursuant to subsection 1 must be submitted on an application made available by the Department and accompanied by the fee for the issuance of a certificate of ownership.***

*3. A certificate of ownership in beneficiary form may not be issued to a person who holds his interest in a motorboat as a tenant in common with another person.*

*4. A certificate of ownership in beneficiary form must include after the name of the owner, or after the names of joint owners, the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.*

*5. During the lifetime of a sole owner or before the death of the last surviving joint owner:*

*(a) The signature or consent of the beneficiary is not required for any transaction relating to a motorboat for which a certificate of ownership in beneficiary form has been issued; and*

*(b) The certificate of ownership in beneficiary form may be revoked or the beneficiary changed at any time by:*

*(1) Sale of the motorboat with proper assignment and delivery of the certificate of ownership to another person; or*

*(2) Filing an application with, and paying a fee to, the Department to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary.*

*6. The interest of the beneficiary in a motorboat on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the owner or owners of the motorboat were subject during their lifetime.*

*7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of ownership in beneficiary form may not be changed or revoked by will, any other instrument or a change in circumstances, or otherwise changed or revoked.*

*8. The Department shall, upon:*

*(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;*

*(b) Surrender of the outstanding certificate of ownership in beneficiary form; and*

*(c) Application and payment of the fee for a certificate of ownership,*

*↪ issue a new certificate of ownership for the motorboat to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.*

*9. For the purposes of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.*

*10. The transfer on death of a motorboat pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.*

*11. As used in this section:*

***(a) "Beneficiary" means a person or persons designated to become the owner or owners of a motorboat on the death of the preceding owner or owners.***

***(b) "Certificate of ownership in beneficiary form" means a certificate of ownership of a motorboat that indicates the present owner or owners of the motorboat and designates a beneficiary.***

Sec. 6. NRS 488.1793 is hereby amended to read as follows:

488.1793 Except as otherwise provided for the creation or transfer of a security interest ~~[,]~~ ***or the transfer on death of a certificate of ownership pursuant to section 5 of this act,*** no transfer of title to or any interest in any motorboat required to be numbered under this chapter is effective until one of the following conditions is fulfilled:

1. The transferor has properly endorsed and delivered the certificate of ownership and has delivered the certificate of number to the transferee as provided in this chapter, and the transferee has, within the prescribed time, delivered the documents to the Department or placed them in the United States mail addressed to the Department with the transfer fee.

2. The transferor has delivered to the Department or placed in the United States mail addressed to the Department the appropriate documents for the transfer of ownership pursuant to the sale or transfer.

Sec. 7. NRS 488.1801 is hereby amended to read as follows:

488.1801 ~~[Any]~~ ***Except for transfers to a beneficiary pursuant to the provisions of section 5 of this act, any*** owner of any motorboat numbered under this chapter who sells or transfers his title or any interest in the motorboat shall within 10 days notify the Department of the sale or transfer and furnish the following information:

1. The name and address of the legal owner and transferee; and

2. Such description of the motorboat as may be required by the Department.

Sec. 8. NRS 488.1807 is hereby amended to read as follows:

488.1807 ~~[Upon]~~ ***Except for transfers to a beneficiary pursuant to the provisions of section 5 of this act, upon*** transfer of the title or any interest of any legal owner in any motorboat numbered under this chapter, the transferor shall write his signature, and the transferee shall write his signature and address, in the appropriate spaces provided upon the reverse side of the certificate of ownership issued for such motorboat.

***Sec. 9.*** **This act becomes effective on January 31, 2008.**

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 176.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 489.

The following Senate amendment was read:

Amendment No. 825.

AN ACT relating to motor vehicles; allowing a civil action to be filed against the owner or person in lawful possession of real property on which public parking is restricted in a certain manner for the improper towing of a vehicle; increasing the time within which a court must hold a hearing relating to an improper towing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows an owner of an off-street parking facility to authorize the towing or removing of a vehicle from the facility in certain circumstances. (NRS 487.037) Existing law also allows the owner or person in lawful possession of any real property to have a vehicle that is parked in an unauthorized manner on the property towed if certain signs are posted and certain notices are given. (NRS 487.038) Finally, existing law allows a person whose car has been towed from private property, but not property where public parking is allowed, to bring a civil action against the person who authorized the towing to determine if the towing was lawful. (NRS 487.039)

This bill allows a person who believes his vehicle has been unlawfully towed from real property where public parking is allowed to file a civil action and for process to be served on the owner or person in lawful possession of the real property. This bill also ~~[increases]~~ **decreases** the time within which the court must hold a hearing on the matter of the propriety of the towing from 7 calendar days to ~~[7]~~ **4** working days after the action is filed.

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

Section 1. NRS 487.039 is hereby amended to read as follows:

487.039 1. If a vehicle is towed ~~[from private property upon the request of the owner of the private property, or a person in lawful possession of that property,]~~ ***pursuant to NRS 487.037 or 487.038*** and the owner of the vehicle believes that the vehicle was unlawfully towed, the owner of the vehicle may file a civil action pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the ~~[private]~~ property ***from which the vehicle was towed*** is located, on a form provided by the court, to determine whether the towing of the vehicle was lawful.

2. An action may be filed pursuant to this section only if the cost of towing and storing the vehicle does not exceed $10,000.

3. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than ~~[7]~~ ***4 working*** **days** after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the ***owner or*** person ***in lawful possession of the property*** who authorized the towing of the vehicle.

4. The court shall:

(a) If it determines that the vehicle was:

(1) Lawfully towed, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost; or

(2) Unlawfully towed, order the ***owner or*** person ***in lawful possession of the property*** who authorized the towing to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner immediately; and

(b) Determine the actual cost incurred in towing and storing the vehicle.

5. The operator of any facility or other location where vehicles which are towed ~~[from private property]~~ are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

Sec. 2. This act becomes effective on July 1, 2007.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 489.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 529.

The following Senate amendment was read:

Amendment No. 818.

AN ACT relating to the State Fire Marshal; clarifying that, with certain exceptions, regulations adopted by the State Fire Marshal concerning building codes do not apply in certain larger counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Fire Marshal is required to enforce all laws and adopt regulations relating, in pertinent part, to the safety, access, means and adequacy of exit in case of fire from certain buildings used by the public. (NRS 477.030) In accordance with this duty, the State Fire Marshal has adopted by reference in regulation the ***International Fire Code*****, 2003 Edition, Volume 1, and the** ***International Building Code***, 2003 edition, Volumes 1 and 2, with certain changes. (NAC 477.281, 477.283) Although the regulations adopted by the State Fire Marshal apply throughout the State, the State Fire Marshal is only authorized under existing law to enforce those regulations: (1) with respect to buildings owned or occupied by the State; and (2) in counties whose population is less than 100,000 other than consolidated municipalities (currently counties other than Clark and Washoe Counties and Carson City). In counties whose population is 100,000 or more (currently Clark and Washoe Counties and Carson City), the local jurisdictions in those counties are required to enforce the regulations of the State Fire Marshal except if a local jurisdiction in such a county requests the State Fire Marshal to perform such enforcement. (NRS 477.030) Existing law also authorizes the governing body of a city or county to adopt building codes and authorizes

boards of county commissioners to regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county. (NRS 244.3675, 268.413, 278.580)

This bill makes the regulations adopted by the State Fire Marshal concerning building codes inapplicable in a county whose population is 400,000 or more (currently Clark County) if that county has adopted a code at least as stringent as ~~[the edition of]~~ the ***International Fire Code*** ~~[most recently published,]~~ **and the *International Building Code*,** except with respect to buildings owned or occupied by the State and public schools and except in a local jurisdiction in such a county in which the State Fire Marshal is requested to enforce those regulations by the chief executive officer of the jurisdiction. **To maintain the exemption from the applicability of those regulations of the State Fire Marshal, the code of the county must be at least as stringent as the most recently published editions of the *International Fire Code* and the *International Building Code* within 1 year after publication of such an edition.**

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

Section 1. NRS 477.030 is hereby amended to read as follows:

477.030 1. Except as otherwise provided in this section, the State Fire Marshal shall enforce all laws and adopt regulations relating to:

(a) The prevention of fire.

(b) The storage and use of:

(1) Combustibles, flammables and fireworks; and

(2) Explosives in any commercial construction, but not in mining or the control of avalanches,

➥ under those circumstances that are not otherwise regulated by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.890.

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

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

➥ ~~[The]~~ ***Except as otherwise provided in subsection 12, the*** regulations of the State Fire Marshal apply throughout the State, but ~~[,]~~ except with respect

to state-owned or state-occupied buildings, his authority to enforce them or conduct investigations under this chapter does not extend to a county whose population is 100,000 or more or which has been converted into a consolidated municipality, except in those local jurisdictions in those counties where he is requested to exercise that authority by the chief officer of the organized fire department of that jurisdiction or except as otherwise provided in a regulation adopted pursuant to paragraph (b) of subsection 2.

2. The State Fire Marshal may:

(a) Set standards for equipment and appliances pertaining to fire safety or to be used for fire protection within this State, including the threads used on fire hose couplings and hydrant fittings; and

(b) Adopt regulations based on nationally recognized standards setting forth the requirements for fire departments to provide training to firefighters using techniques or exercises that involve the use of fire or any device that produces or may be used to produce fire.

3. The State Fire Marshal shall cooperate with the State Forester Firewarden in the preparation of regulations relating to standards for fire retardant roofing materials pursuant to paragraph (e) of subsection 1 of NRS 472.040.

4. The State Fire Marshal shall cooperate with the Division of Child and Family Services of the Department of Health and Human Services in establishing reasonable minimum standards for overseeing the safety of and directing the means and adequacy of exit in case of fire from family foster homes and group foster homes.

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

6. Except as otherwise provided in subsection 10, the State Fire Marshal shall:

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

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

(c) Cooperate with the Commissioner of Insurance, the Attorney General and the Fraud Control Unit established pursuant to NRS 228.412 in any investigation of a fraudulent claim under an insurance policy for any fire of a suspicious nature.

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

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

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

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

9. The State Fire Marshal shall:

(a) ~~[Assist]~~ ***Except as otherwise provided in subsection 12, assist*** in checking plans and specifications for construction;

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

(c) Assist local governments in drafting regulations and ordinances,

➥ on request or as he deems necessary.

10. Except as otherwise provided in this subsection, in a county other than one whose population is 100,000 or more or which has been converted into a consolidated municipality, the State Fire Marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the State Fire Marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the State Fire Marshal shall revoke the agreement. The provisions of this subsection do not apply to the authority of the State Fire Marshal to adopt regulations pursuant to paragraph (b) of subsection 2.

11. The State Fire Marshal may, as a public safety officer or as a technical expert on issues relating to hazardous materials, participate in any local, state or federal team or task force that is established to conduct enforcement and interdiction activities involving:

(a) Commercial trucking;

(b) Environmental crimes;

(c) Explosives and pyrotechnics;

(d) Drugs or other controlled substances; or

(e) Any similar activity specified by the State Fire Marshal.

***12. ~~[Any]~~ Except as otherwise provided in this subsection, any regulations of the State Fire Marshal concerning matters relating to building codes, including, without limitation, matters relating to the construction, maintenance or safety of buildings, structures and property in this State ~~[, do]~~ :***

***(a) Do not apply in a county whose population is 400,000 or more ~~[that]~~ which has adopted a code at least as stringent as the ~~[edition of the]~~ International Fire Code ~~[most recently published, except]~~ and the International Building Code, published by the International Code Council. To maintain the exemption from the applicability of the regulations of the State Fire Marshal pursuant to this subsection, the code of the county must***

***be at least as stringent as the most recently published edition of the International Fire Code and the International Building Code within 1 year after publication of such an edition.***

***(b) Apply in a county described in paragraph (a) with respect to state-owned or state-occupied buildings or public schools in ~~[such a]~~ the county and ~~[except]~~ in those local jurisdictions in ~~[such a]~~ the county in which the State Fire Marshal is requested to exercise that authority by the chief executive officer of that jurisdiction. As used in this ~~[subsection,]~~ paragraph, "public school" has the meaning ascribed to it in NRS 385.007.***

Sec. 2. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.580, 278.582 , ~~[and]~~ 444.340 to 444.430, inclusive, ***and 477.030***, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada, the Nevada System of Higher Education or any school district.

Sec. 3. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.580, 278.582 , ~~[and]~~ 444.340 to 444.430, inclusive, ***and 477.030***, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada, the Nevada System of Higher Education or any school district.

Sec. 4. This act becomes effective on July 1, 2007.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 529.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 463.

The following Senate amendment was read:

Amendment No. 941.

AN ACT relating to land use planning; making various changes pertaining to residential establishments and group homes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Health Division of the Department of Health and Human Services is required to compile, maintain and disseminate a registry pertaining to each "residential establishment" that exists in this State. (NRS 278.021) Sections 2-7 of this bill: (1) require local governments to assist in obtaining such information; (2) expand the registry to include certain information likely to be helpful to agencies that provide police, fire-fighting, rescue or emergency medical services; and (3) broaden the scope of the registry to apply not just to licensed residential establishments, but to any facility that provides similar services to four or more persons. Thus, facilities operating unlawfully as residential establishments are included in the registry, providing necessary information to licensing and law enforcement authorities.

Section 8 of this bill provides that if a county or city requires a certain approval or permit before a residential establishment may operate, the county or city must, before granting that approval or permit ~~[,]~~ **: (1)** ensure that the establishment, or its owner or operator, has secured the necessary certifications or licenses that are required by federal, state or local authorities ~~[. Section 8 also allows for]~~ **, unless** conditional or provisional approval or permitting ~~[by a local government]~~ **is granted by the county or city** pending receipt by the establishment of the necessary certification or license ~~[.]~~ **; and (2) ensure that, if the establishment is subject to the distance requirements set forth in section 9 of this bill, the establishment will be located and operated in accordance with those requirements.**

Under existing law, the governing body of a county whose population is 100,000 or more (currently Clark and Washoe Counties), and the governing body of each city in such a county, is required to establish by ordinance a minimum distance between residential establishments that is at least 660 feet but not more than 1,500 feet. (NRS 278.021) Section 9 of this bill changes the minimum distance prospectively to at least 1,500 feet but not more than 2,500 feet. Section ~~[10]~~ **11** of this bill provides that if a governing body fails to establish the minimum distance requirement by December 31, 2007, its ordinances will be conformed by operation of state law to a 2,500-foot distance requirement.

**Existing law requires an applicant seeking licensure of a facility under the provisions of NRS 449.001 to 449.240, inclusive, to file with the Health Division an application containing certain information and evidence. (NRS 449.040) Section 10 of this bill provides additionally that such an application must, if the facility for which licensure is sought is a "residential establishment" as defined in section 5 of this bill, and if such establishment is subject to the distance requirements set forth in section 9 of this bill, include evidence satisfactory to the Health Division that the establishment will be located and operated in accordance with those requirements.**

WHEREAS, Residential establishments, commonly referred to as "group homes," include such facilities as halfway houses for recovering alcohol and

drug abusers, homes for individual residential care, and residential facilities for groups; and

WHEREAS, Residential establishments serve an important purpose in the various communities of this State, allowing persons with special needs to receive assistance or care in a setting that may be more comfortable, ~~[less]~~ **more** informal and less expensive than the setting of a more formal institution, such as a hospital; and

WHEREAS, Federal law, including the Fair Housing Act of 1968 and the Fair Housing Amendments Act of 1988, clearly prohibits discriminatory housing practices, including practices which have the effect of discriminating against persons with disabilities in regard to the availability of housing; and

WHEREAS, The statutes of this State already require, in large part, that residential establishments be treated as single-family residences for zoning purposes, and already require the Health Division of the Department of Health and Human Services to compile and maintain a registry of information relating to such establishments; and

WHEREAS, Ensuring that such information is accurate, current and disseminated to the pertinent authorities is of vital importance to several state and local governmental agencies, because: (1) persons who reside in residential establishments may be more susceptible than other persons to become victims of mistreatment or unscrupulous behavior, including, without limitation, Medicaid fraud or Medicare fraud; (2) governmental agencies and officers who enforce health and safety standards must be notified of the location of residential establishments in order to protect adequately the persons who reside in those establishments; and (3) fire departments, law enforcement agencies and other first responders must be notified of the locations of residential establishments so that they may be prepared to address the special needs of the residents of those establishments in the event of a fire, medical crisis or other emergency; and

WHEREAS, In several communities throughout the State, the names ascribed to residential establishments may be different, and certain persons may attempt to operate on an informal or unlicensed basis facilities that are, in practical effect, residential establishments; now, therefore,

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in NRS 278.021 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.***

***Sec. 3.5. "Health Division" means the Health Division of the Department of Health and Human Services.***

Sec. 4. ***"Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.***

Sec. 5. ***"Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.***

Sec. 6. ***"Residential facility for groups" has the meaning ascribed to it in NRS 449.017.***

Sec. 7. ***1. Each*** ~~*[political subdivision of the State of Nevada shall, within the limits of available money:]*~~ ***county and city shall:***

***(a) Conduct a reasonable investigation or survey to determine, insofar as is practicable, the following information regarding each group home that is located within the territorial limits of the*** ~~*[political subdivision:]*~~ ***county or city:***

***(1) The name of the owner of the group home;***

***(2) If the group home is leased or rented, the name of the lessee or renter;***

***(3) The name of the administrator of the group home, if any;***

***(4) The address of the group home;***

***(5) The phone number of the group home;***

***(6) If the group home is licensed, the number of clients for which the home is licensed; and***

***(7) If known, any information that may be helpful to agencies of the State of Nevada or counties or cities providing police, fire-fighting, rescue or emergency medical services with respect to persons residing in the group home who may need special assistance in the event of a fire, medical crisis or other emergency; and***

***(b) As often as is reasonably necessary, but not less frequently than once each calendar quarter, transmit the information to the Health Division.***

***2. If a*** ~~*[political subdivision]*~~ ***county or city is not able to obtain all of the information described in subsection 1, it shall transmit to the Health Division such information as it is able to obtain.***

***3. Using the information transmitted by*** ~~*[political subdivisions]*~~ ***counties and cities pursuant to subsection 1 and using any other resources at its disposal, the Health Division shall compile and maintain a registry of information relating to each group home that exists in this State. The Health Division shall make the information contained in the registry available to:***

***(a) Any agency of the State of Nevada or a*** ~~*[political subdivision of this State]*~~ ***county or city that provides police, fire-fighting, rescue or emergency medical services;***

***(b) Upon request for the purposes set forth in section 8 of this act, the governing body of a county or city;***

***(c) Any agency of the Federal Government, the State of Nevada or a ~~[political subdivision of this State]~~ county or city that is involved in the investigation of acts of abuse, fraud or similar crimes; and***

***~~[(c)]~~ (d) Except as otherwise provided in this paragraph, the general public, through the use of the Internet website maintained by the Health Division. The Health Division shall not make available on its Internet website any personally identifying information relating to a resident of a group home.***

***4. Insofar as the Health Division is able to obtain the relevant information, the registry compiled and maintained by the Health Division must include, with respect to each group home that exists in this State:***

***(a) Each item of information described in paragraph (a) of subsection 1; and***

***(b) An entry indicating whether the group home is or is not formally licensed or certified as a residential establishment.***

***5. Any department or agency of the State of Nevada or a ~~[political subdivision of this State]~~ county or city that becomes aware of the existence of a group home which is not included in the registry shall, within 30 days after obtaining such information, transmit the information to the Health Division as is necessary for inclusion in the registry.***

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

***~~(a) "Group]~~ , "group home" means:***

***~~[(1)]~~ (a) A residential establishment; and***

***~~[(2)]~~ (b) Any other home, facility or residence, whether or not it is licensed, whether it is operated formally or informally and by whatever name it may be known, that provides to four or more unrelated persons services similar to those provided by a residential establishment.***

***~~[ (b) "Health Division" means the Health Division of the Department of Health and Human Services.~~***

***~~(c) "Political subdivision" means a city or county.]~~***

Sec. 8. ***1. As a prerequisite to the approval or issuance of any rezoning, zone variance or special use permit that is necessary to operate a residential establishment, the governing body of a county or city shall :***

***(a) Except as otherwise provided in subsection 2, ensure that the residential establishment or the owner or operator thereof has obtained any licenses or certifications that are required by federal, state or local authorities ~~[.]~~ ; and***

***(b) If the residential establishment is subject to the distance requirements set forth in subsection 3 of NRS 278.021, request and use the information contained in the registry compiled and maintained pursuant to section 7 of this act to ensure that the residential establishment will be located and operated in accordance with the provisions of that subsection.***

***2. Pending a residential establishment or the owner or operator thereof obtaining the required licenses ~~[and]~~ or certifications, the governing body of a county or city or another entity designated to act on behalf of the***

***governing body may conditionally or provisionally approve or issue any rezoning, zone variance or special use permit that is necessary to operate the residential establishment.***

Sec. 9. NRS 278.021 is hereby amended to read as follows:

278.021 1. In any ordinance adopted by a city or county, the definition of "single-family residence" must include a:

(a) Residential facility for groups in which 10 or fewer unrelated persons with disabilities reside with:

(1) House parents or guardians who need not be related to any of the persons with disabilities; and

(2) If applicable, additional persons who are related to the house parents or guardians within the third degree of consanguinity or affinity.

(b) Home for individual residential care.

(c) Halfway house for recovering alcohol and drug abusers.

2. The provisions of subsection 1 do not prohibit a definition of "single-family residence" which permits more persons to reside in a residential facility for groups, nor does it prohibit regulation of homes which are operated on a commercial basis. For the purposes of this subsection, a residential facility for groups, a halfway house for recovering alcohol and drug abusers or a home for individual residential care shall not be deemed to be a home that is operated on a commercial basis for any purposes relating to building codes or zoning.

3. ~~[The Health Division of the Department of Health and Human Services shall compile and maintain a registry of information relating to each residential establishment that exists in this State and shall make available for access on the Internet or its successor, if any, the information contained in the registry. The registry must include with respect to each residential establishment:~~

~~(a) The name of the owner of the establishment;~~

~~(b) The name of the administrator of the establishment;~~

~~(c) The address of the establishment; and~~

~~(d) The number of clients for which the establishment is licensed.~~

~~➥ Any department or agency of a county or city that becomes aware of the existence of a residential establishment that is not included in the registry shall transmit such information to the Health Division, as is necessary, for inclusion in the registry within 30 days after obtaining the information.~~

~~4.]~~ The governing body of a county whose population is 100,000 or more or the governing body of a city in such a county or any department or agency of the city or county shall approve the first application submitted on or after July 1, 2000, to operate a residential establishment within a particular neighborhood in the jurisdiction of the governing body. If a subsequent application is submitted to operate an additional residential establishment at a location that is within the minimum distance established by the governing body pursuant to this subsection from an existing residential establishment, the governing body shall review the application based on applicable zoning

ordinances. The requirements of this subsection do not require the relocation or displacement of any residential establishment which existed before July 1, 2001, from its location on that date. The provisions of this subsection do not create or impose a presumption that the location of more than one residential establishment within the minimum distance of each other established by the governing body pursuant to this subsection is inappropriate under all circumstances with respect to the enforcement of zoning ordinances and regulations. For purposes of this subsection, each governing body shall establish by ordinance a minimum distance between residential establishments that is at least ~~[660]~~ ***1,500*** feet but not more than ~~[1,500]~~ ***2,500*** feet.

~~[5. The]~~

***4. Except as otherwise provided in section 8 of this act, the*** governing body of a county or city shall not refuse to issue a special use permit to a residential establishment that meets local public health and safety standards.

~~[6.]~~ ***5.*** The provisions of this section must not be applied in any manner which would result in a loss of money from the Federal Government for programs relating to housing.

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

~~(a) "Halfway house for recovering alcohol and drug abusers" has the meaning ascribed to it in NRS 449.008.~~

~~(b) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.~~

~~(c) "Person]~~ , ***"person*** with a disability" means a person:

~~[(1)]~~ ***(a)*** With a physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~[(2)]~~ ***(b)*** With a record of such an impairment; or

~~[(3)]~~ ***(c)*** Who is regarded as having such an impairment.

~~[(d) "Residential establishment" means a home for individual residential care in a county whose population is 100,000 or more, a halfway house for recovering alcohol and drug abusers or a residential facility for groups.~~

~~(e) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.]~~

***Sec. 10.*** **NRS 449.040 is hereby amended to read as follows:**

449.040 Any person, state or local government or agency thereof desiring a license under the provisions of NRS 449.001 to 449.240, inclusive, must file with the Health Division an application on a form prescribed, prepared and furnished by the Health Division, containing:

1. The name of the applicant and, if a natural person, whether the applicant has attained the age of 21 years.
2. The type of facility to be operated.
3. The location of the facility.
4. In specific terms, the nature of services and type of care to be offered, as defined in the regulations.

5. The number of beds authorized by the Director of the Department of Health and Human Services or, if such authorization is not required, the number of beds the facility will contain.

6. The name of the person in charge of the facility.

7. Such other information as may be required by the Health Division for the proper administration and enforcement of NRS 449.001 to 449.240, inclusive.

8. Evidence satisfactory to the Health Division that the applicant is of reputable and responsible character. If the applicant is a firm, association, organization, partnership, business trust, corporation or company, similar evidence must be submitted as to the members thereof, and the person in charge of the facility for which application is made. If the applicant is a political subdivision of the State or other governmental agency, similar evidence must be submitted as to the person in charge of the institution for which application is made.

9. Evidence satisfactory to the Health Division of the ability of the applicant to comply with the provisions of NRS 449.001 to 449.240, inclusive, and the standards and regulations adopted by the Board.

10. Evidence satisfactory to the Health Division that the facility conforms to the zoning regulations of the local government within which the facility will be operated or that the applicant has applied for an appropriate reclassification, variance, permit for special use or other exception for the facility.

***11. If the facility to be licensed is a residential establishment as defined in section 5 of this act, and if the residential establishment is subject to the distance requirements set forth in subsection 3 of NRS 278.021, evidence satisfactory to the Health Division that the residential establishment will be located and operated in accordance with the provisions of that subsection.***

~~[Sec. 10.]~~ ***Sec. 11.*** 1. On or before December 31, 2007, the governing body of each county whose population is 100,000 or more, and the governing body of each city in such a county, shall establish by ordinance the minimum distance between residential establishments that is set forth in subsection 3 of NRS 278.021 ~~[.]~~ **, as amended by section 9 of this act.**

2. If a governing body fails to comply with the provisions of subsection 1 on or before December 31, 2007, on that date the ordinances of the governing body shall be deemed to establish by operation of law a minimum distance between residential establishments of 2,500 feet.

3. As used in this section, "residential establishment" has the meaning ascribed to it in section 5 of this act.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 463.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:34 p.m.

## ASSEMBLY IN SESSION

At 11:10 p.m.

Madam Speaker presiding.

Quorum present.

### GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Senate Bill No. 5:

YEAS—39.

NAYS—Settelmeyer, Weber—2.

EXCUSED—Christensen.

Senate Bill No. 5 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Senate Bill No. 58 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

### GENERAL FILE AND THIRD READING

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblymen Goicoechea, Anderson, Oceguera, Cobb, Conklin, Carpenter, and Grady.

Assemblyman Leslie, Manendo, and Oceguera moved the previous question.

Motion carried.

The question being the passage of Senate Bill No. 58.

Roll call on Senate Bill No. 58:

YEAS—20.

NAYS—Anderson, Arberry, Bobzien, Buckley, Claborn, Conklin, Denis, Gerhardt, Horne, Kihuen, Koivisto, Leslie, Manendo, Mortenson, Munford, Oceguera, Ohrenschall, Parks, Pierce, Segerblom, Smith—21.

EXCUSED—Christensen.

Senate Bill No. 58 having failed to receive a two-thirds majority, Madam Speaker declared it lost.

Senate Bill No. 146.
Bill read third time.
Remarks by Assemblywoman McClain.
Roll call on Senate Bill No. 146:
YEAS—38.
NAYS—Cobb, Gansert, Settelmeyer—3.
EXCUSED—Christensen.
Senate Bill No. 146 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 403.
Bill read third time.
Roll call on Senate Bill No. 403:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 403 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 320.
Bill read third time.
Remarks by Assemblyman Goedhart.
Roll call on Senate Bill No. 320:
YEAS—40.
NAYS—Kirkpatrick.
EXCUSED—Christensen.
Senate Bill No. 320 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 202.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Bill No. 202:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.
Senate Bill No. 202 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 288.
Bill read third time.
Roll call on Senate Bill No. 288:
YEAS—41.
NAYS—None.
EXCUSED—Christensen.

Senate Bill No. 288 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Oceguera moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:37 p.m.

## ASSEMBLY IN SESSION

At 11:41 p.m.

Madam Speaker presiding.

Quorum present.

Senate Bill No. 394.

Bill read third time.

Roll call on Senate Bill No. 394:

YEAS—40.

NAYS—Atkinson.

EXCUSED—Christensen.

Senate Bill No. 394 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 234.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick

Roll call on Senate Bill No. 234:

YEAS—41.

NAYS—None.

EXCUSED—Christensen.

Senate Bill No. 234 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.

Remarks by Assemblywoman Parnell.

Roll call on Senate Bill No. 328:

YEAS—34.

NAYS—Allen, Cobb, Gansert, Hardy, Mabey, Settelmeyer, Weber—7.

EXCUSED—Christensen.

Senate Bill No. 328 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 516.

Bill read third time.

Remarks by Assemblywoman Pierce.

Conflict of interest declared by Assemblywoman Weber.

Roll call on Senate Bill No. 516:

YEAS—37.

NAYS—Beers, Goedhart, Ohrenschall—3.

NOT VOTING—Weber.

EXCUSED—Christensen.

Senate Bill No. 516 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. 42, 56, 68, 201, 215, 230, 235, 259, 359; Assembly Joint Resolution No. 3; Senate Bills Nos. 142, 147, 163, 206, 219, 243, 267, 293, 300, 396.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from McGill Elementary School: Siset Andemichael, Justin Blakeley, Kinsey Bradshaw, Robert Drain, Emmitt Finicum, Mercedes Hartman, Carl Henze, Kelsie Herring, Alexander Hill, Ryan Hopkins, Clinton Hurlbert, Dalton Kunz, Mikaela Laswell , Shania Marques, Teana Marshall, Sammantha Moreno, Anna Nicholes, Alex Oxborrow, Tony Rodger, Haeden Sambrano, Alexiss Smith, Seth Trappett, Steven Williams, Amy Wines, Treena Whaley, Chad Whaley, Meg Rhodes, Michelle Foster, Wendy Finicum, Kristi Hurlbert, Michelle Hill, Brad Nicholes, Charlotte Pierce, Margaret Thiel, Ashleigh Bass, Josef Drain, Amber Finch, John Forness, Lucas Gleave, Jade Jewette, Alisha Large, Zachary Lawrence, Keyanna Lesher, Rayanne Levine, Dillan Lewis, Bobby Marich, Jerilyn Ogden, Kyla Parker, Miranda Rodger, Madison Trimble, Austin Zeman, Bob Marich, Holly Marich, Billie Sue Zeman, Jamie Lawrence, Jamie Gleaves, Mark Drain, Carla Ogden, Melany Johnson, Merlynne Parker and Delanie Lunt.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to John Marvel and Kurt Hardung.

On request of Assemblywoman Womack, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Ruth and Elaine Blue-Heebner.

Assemblyman Oceguera moved that the Assembly adjourn until Saturday, May 26, 2007, at 10 a.m.

Motion carried.

Assembly adjourned at 11:49 p.m.

Approved: BARBARA E. BUCKLEY
*Speaker of the Assembly*

Attest: SUSAN FURLONG REIL
*Chief Clerk of the Assembly*