

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 29, 2007

Assembly called to order at 11:02 a.m.

Madam Speaker presiding.

Roll called.

All present except Assemblyman Settlemeyer, who was excused.

Prayer by the Chaplain, Minister Bruce Henderson.

Lord, several times in Your Word is the phrase "last days." Sometimes, it speaks of these as difficult days of evil. At other times, it describes them with words of hope, renewal, blessing, and wonder. As we enter our last days of this session, we seek Your blessing and the renewal of hope. Please give us unity and peace. I pray in the Name of the One who gives true peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ocegüera 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 Government Affairs, to which was referred Senate Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNIE ANDERSON, *Chair*

Madam Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 517, 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

Senate Concurrent Resolution No. 17.

Assemblyman Claborn moved the adoption of the resolution.

Remarks by Assemblymen Claborn and Denis.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 626—AN ACT relating to programs for public personnel; establishing for the next biennium the amount to be paid to the Public Employees' Benefits Program for group insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera moved that Assembly Bill No. 186 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 197.

Bill read third time.

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

Amendment No. 1059.

AN ACT making an appropriation to the Office of the State Controller for the purchase of computer hardware and software; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Office of the State Controller the sum of ~~[\$137,714]~~ **\$79,797** for the purchase of computer hardware and software.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 38.

Read third time.

Remarks by Assemblyman Segerblom.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Madam Speaker presiding.

Quorum present.

Assemblyman Ocegüera moved that Senate Bill No. 38 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 517.

Bill read third time.

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

Amendment No. 1053.

AN ACT relating to state financial administration; requiring that certain payments made to agencies of this State be made electronically; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires all payments of money owed to a state agency for taxes, interest, penalties or any other obligations that, in the aggregate, amount to \$10,000 or more be made by electronic transfer. This requirement does not apply to such payments **owed** by governmental entities, ~~for to~~ **such** payments to the Secretary of State unless the Secretary of State so requires ~~it~~ **or such payments made by credit card or debit card if the state agency requires the cardholder to pay a fee that does not exceed the fee charged to the state agency by the issuer of the credit card or debit card.**

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

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, all payments of money owed to a state agency for taxes, interest, penalties or any other obligations that, in the aggregate, amount to \$10,000 or more must be made by any method of electronic transfer of money allowed by the state agency.

2. *The provisions of subsection 1:*

(a) *Apply to a person who has entered into an agreement with one or more employers who are required to pay contributions pursuant to NRS 612.535, if:*

(1) *Pursuant to such agreement, the person is required to submit the contributions to the Employment Security Division of the Department of Employment, Training and Rehabilitation on behalf of the employers; and*

(2) *The amount of such contributions from employers, in the aggregate, is \$10,000 or more.*

(b) *Do not apply to ~~the~~ the payment of money for taxes, interest, penalties or any other obligations that, in the aggregate, amount to \$10,000 or more owed to:*

(1) *The ~~payment of money owed to the~~ Secretary of State, unless the Secretary of State requires ~~the~~ that such a payment ~~of money owed to his office for taxes, interest, penalties or any other obligations that, in the aggregate, amount to \$10,000 or more~~ be made by any method of electronic transfer of money.*

(2) *~~The payment of money owed to a~~ A state agency by a governmental entity.*

(3) *A state agency that is made by credit card or debit card if the state agency requires the cardholder to pay the fee authorized pursuant to subsection 3 of NRS 353.1465.*

3. *If the payment of money owed to a state agency is required pursuant to this section to be made electronically, the electronic payment must be credited to the State of Nevada on or before the date that such payment is due. An employer who is required to pay a contribution pursuant to NRS 612.535 must initiate the payment of the contribution on or before the date that such payment is due.*

4. *As used in this section:*

(a) *"Cardholder" has the meaning ascribed to it in NRS 353.1465.*

(b) *"Credit card" has the meaning ascribed to it in NRS 353.1465.*

(c) *"Debit card" has the meaning ascribed to it in NRS 353.1465.*

(d) *"Electronic transfer of money" means any transfer of money, other than a transaction initiated by a check or other similar instrument, that is initiated through an automated clearinghouse transaction, an electronic check transaction or a wire transfer for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.*

~~((b))~~ (e) *"Employer" has the meaning ascribed to it in NRS 612.055.*

~~((c))~~ (f) *"Governmental entity" means:*

(1) *The government of this State;*

(2) *An agency of the government of this State;*

(3) *A political subdivision of this State; and*

(4) *An agency of a political subdivision of this State.*

Sec. 2. NRS 353.146 is hereby amended to read as follows:

353.146 As used in NRS 353.146 to 353.148, inclusive, ***and section 1 of this act***, “state agency” means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.

Sec. 3. NRS 31A.090 is hereby amended to read as follows:

31A.090 1. A notice to withhold income is binding upon any employer of an obligor to whom it is mailed. To reimburse the employer for his costs in making the withholding, he may deduct \$3 from the amount paid the obligor each time he makes a withholding.

2. ~~##~~ ***Except as otherwise provided in subsection 3, if*** an employer receives notices to withhold income for more than one employee, he may consolidate the amounts of money that are payable to:

(a) The enforcing authority and pay those amounts with one check; and

(b) The State Treasurer and pay those amounts with one check,

➤ but the employer shall attach to each check a statement identifying by name and social security number each obligor for whom payment is made and the amount transmitted for that obligor.

3. ***If the provisions of section 1 of this act apply, the employer shall make payment to the enforcing authority or the State Treasurer, as applicable, by way of any method of electronic transfer of money allowed by the enforcing authority or the State Treasurer. If an employer makes such payment by way of electronic transfer of money, the employer shall transmit separately the name and appropriate identification number, if any, of each obligor for whom payment is made and the amount transmitted for that obligor.***

4. An employer shall cooperate with and provide relevant information to an enforcing authority as necessary to enable it to enforce an obligation of support. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages resulting from the disclosure.

5. ***As used in this section, “electronic transfer of money” has the meaning ascribed to it in section 1 of this act.***

Sec. 4. NRS 108.650 is hereby amended to read as follows:

108.650 1. Any person or his insurer who, after the receipt of a certified copy of the notice of lien pursuant to NRS 108.610, makes any payment to the injured person, his heirs, personal representatives or the attorney for any of them, as compensation for the injury suffered, without paying the hospital the reasonable value of hospitalization rendered to the injured person and claimed in its notice of lien or so much thereof as can be satisfied out of the money due under any final judgment, settlement or compromise, after paying the attorney’s fees, costs and expenses incurred in connection therewith and any prior liens, is, for a period of 180 days after the date of that payment, liable to the hospital for the amount or part thereof which the hospital was entitled to receive. The hospital has, within that period, a cause of action or other claim for relief against the person or insurer

making the payment, which may be prosecuted and maintained in any county wherein the notice of lien was filed.

2. ~~HF~~ *Except as otherwise provided in this subsection, if* the hospital is publicly owned or not for profit, the person or his insurer shall make the payment to the hospital by issuing to the hospital a separate check or other negotiable instrument. *If the provisions of section 1 of this act apply, the person or his insurer shall make the payment to the hospital by way of any method of electronic transfer of money allowed by the hospital.*

3. *As used in this section, “electronic transfer of money” has the meaning ascribed to it in section 1 of this act.*

Sec. 5. The Legislative Counsel shall, where applicable:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section that is not amended by this act or is further amended by another act, appropriately change any reference to a “check” or “negotiable instrument” to an “electronic transfer of money.”

2. In preparing supplements to the Nevada Administrative Code, appropriately change any reference to a “check” or “negotiable instrument” to an “electronic transfer of money.”

Sec. 6. This act becomes effective on July 1, 2008.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 186.

Bill read third time.

The following amendment was proposed by Assemblyman Conklin:

Amendment No. 1062.

SUMMARY—Revises various provisions relating to economic and energy development. (BDR ~~(S-784)~~ **32-784**)

AN ACT relating to ~~economic and energy development;~~ **state financial administration; revising various provisions governing partial abatements of certain taxes by the Commission on Economic Development;** revising various provisions governing the Solar Energy Systems Demonstration Program Act; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Commission on Economic Development to approve partial abatements of certain taxes imposed on new or expanded businesses. (NRS 360.750) Sections 10.3, 10.7 and 13.5 of this bill require a business that receives such a partial abatement to: (1) allow the Department of Taxation to conduct audits of the business to determine whether it is in compliance with the requirements for the partial abatement; and (2) consent to the disclosure of the audit reports to the Commission on Economic Development and to the public with certain limited exceptions.

Under the Solar Energy Systems Demonstration Program Act, a certain number of schools which install solar energy systems are entitled to participate in the Demonstration Program and receive portfolio energy credits that may be sold to utilities seeking to comply with the portfolio standards. (Chapter 331, Statutes of Nevada 2003, pp. 1868-71) Section 11 of this bill increases the number of schools that may participate in the Demonstration Program and increases the kilowatts of capacity for solar energy systems in schools from 570 kilowatts to 2 megawatts for the years 2007, 2008 and 2009.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.3. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Commission on Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750, the agreement with the Commission must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Commission on Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Commission on Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Commission on Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Commission on Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Commission on Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

Sec. 10.7. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Commission on Economic Development shall approve an application for a partial abatement if the Commission makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067; and

(2) Any guidelines adopted pursuant to the State Plan.

(b) The applicant has executed an agreement with the Commission which ~~[states]~~ **must:**

(1) Comply with the requirements of section 10.3 of this act;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection ~~[. The agreement must bind]~~ **; and**

(3) *Bind* the successors in interest of the business for the specified period.

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

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

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

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

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

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

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

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

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

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

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

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

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

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

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

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

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

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

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

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

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

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least \$500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

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

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

3. Notwithstanding the provisions of subsection 2, the Commission on Economic Development:

(a) Shall not consider an application for a partial abatement unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Commission determines that such action is necessary:

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

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

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

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

5. If the Commission on Economic Development approves an application for a partial abatement, the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

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

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Commission on Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

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

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

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

↪ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the

period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

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

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

9. The Commission on Economic Development:

(a) Shall adopt regulations relating to:

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

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

(b) May adopt such other regulations as the Commission on Economic Development determines to be necessary to carry out the provisions of this section ~~and~~ **and section 10.3 of this act.**

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

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

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

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section ~~and~~ **and section 10.3 of this act.**

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

Sec. 11. Section 18 of the Solar Energy Systems Demonstration Program Act, being chapter 331, Statutes of Nevada 2003, as amended by chapter 2, Statutes of Nevada 2005, 22nd Special Session, at page 88, is hereby amended to read as follows:

Sec. 18. 1. On or before May 1 of each year, the Public Utilities Commission of Nevada shall:

(a) Review each application nominated by the Committee to ensure that the application meets the requirements of subsection 3 of section 14 of this act; and

(b) From those nominees, select participants for the Demonstration Program for the following program year.

2. ~~The~~ ***Except as otherwise provided in subsection 4, the*** Public Utilities Commission of Nevada may approve, from among the applications nominated by the Committee, solar energy systems totaling:

(a) For the program year beginning July 1, 2004:

(1) 100 kilowatts of capacity for schools;

(2) 200 kilowatts of capacity for other public buildings; and
(3) 200 kilowatts of capacity for private residences and small businesses.

(b) For the program year beginning July 1, 2005:

(1) An additional 570 kilowatts of capacity for schools;
(2) An additional 570 kilowatts of capacity for other public buildings;
and
(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(c) For the program year beginning July 1, 2006:

(1) An additional 570 kilowatts of capacity for schools;
(2) An additional 570 kilowatts of capacity for other public buildings;
and
(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(d) For the program year beginning July 1, 2007:

(1) An additional ~~{570 kilowatts}~~ **2 megawatts** of capacity for schools;
(2) An additional 570 kilowatts of capacity for other public buildings;
and
(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(e) For the program year beginning July 1, 2008:

(1) An additional ~~{570 kilowatts}~~ **2 megawatts** of capacity for schools;
(2) An additional 570 kilowatts of capacity for other public buildings;
and
(3) An additional 760 kilowatts of capacity for private residences and small businesses.

(f) For the program year beginning July 1, 2009:

(1) An additional ~~{570 kilowatts}~~ **2 megawatts** of capacity for schools;
(2) An additional 570 kilowatts of capacity for other public buildings;
and
(3) An additional 760 kilowatts of capacity for private residences and small businesses.

3. The Public Utilities Commission of Nevada shall notify each nominee of its selections no later than 10 days after the decision is made.

4. To promote the installation of solar energy systems at as many schools as possible, the Public Utilities Commission of Nevada may not approve for use in the Demonstration Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed at a school on or after July 1, 2007, unless the Commission determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 13.5. The provisions of section 10.3 of this act do not apply to any abatement for which an agreement was executed before July 1, 2007, between the commission on Economic Development and the business to which the abatement was granted.

Sec. 14. This act becomes effective on July 1, 2007.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 186:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Assembly Bill No. 186 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 197.

Bill read third time.

Roll call on Assembly Bill No. 197:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Assembly Bill No. 197 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 517.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Bill No. 517:

YEAS—37.

NAYS—Bobzien, Koivisto, Leslie, McClain—4.

EXCUSED—Settelmeyer.

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

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 584, 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*

GENERAL FILE AND THIRD READING

Assembly Bill No. 584.

Bill read third time.

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

Amendment No. 1044.

AN ACT relating to motor vehicles; providing that a driver of a commercial motor vehicle who has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath or is under the influence of a controlled or prohibited substance is subject to a criminal penalty; revising certain provisions governing the issuance and renewal of drivers' licenses and identification cards to comport with the federal REAL ID Act ~~of 2005~~ **of 2005**; repealing the Driver License Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2, ~~4-9,~~ **4, 5, 13-16** ~~(12-17)~~ and 40-42 of this bill require the Department of Motor Vehicles to adopt certain regulations to bring Nevada into compliance with the federal REAL ID Act ~~of 2005~~ **of 2005**.

Existing law requires an applicant for a driver's license, identification card or a motorcycle driver's license to provide his name, date of birth and residential address to the Department and furnish proof, acceptable to the Department, of his name and age to the Department. (NRS 483.290, 483.850, 486.081) Sections 2, 14, 15 and 40 of this bill provide that an applicant for a driver's license, identification card or motorcycle license must furnish his full legal name, address of principal residence and mailing address, if different from his address of principal residence, on his application. The Department is authorized to adopt regulations prescribing the documents an applicant may furnish as proof of his full legal name and age. The Department may only grant a driver's license, identification card or motorcycle driver's license to a person who is a citizen of a foreign country for the period of his authorized stay in the United States or, if there is no definite end to the period of authorized stay, for 1 year from the date of issuance.

Existing law requires that certain information be contained on a driver's license or identification card. (NRS 483.340, 483.840) Sections 4 and 13 of this bill remove such requirements from existing law and require the Department to adopt regulations prescribing the specific information that a driver's license or identification card must contain.

Existing law prescribes when a driver's license, identification card or motorcycle driver's license expires. (NRS 483.380, 483.875, 486.161) Sections 5, 16 and 41 of this bill remove the expiration provisions from existing law and require the Department to adopt regulations that specify when a driver's license, identification card or motorcycle driver's license must expire.

~~[Existing law sets forth the required fees for the issuance, renewal or reinstatement of, or any change to, a driver's license, identification card or motorcycle driver's license. (NRS 483.410, 483.820, 483.910) Sections 6, 12 and 17 of this bill remove these fee schedules from existing law and require the Department to adopt regulations prescribing such fees.]~~

Existing law prescribes the specific information that must be included to record a conviction on a driving record. Section 9 of this bill deletes the requirement to record the conviction using the specific information and requires the Department to adopt regulations prescribing the information necessary to record a conviction on a driver's record. (NRS 483.450)

Existing law requires an applicant for a driver's license or motorcycle driver's license to furnish to the Department proof of his social security number, if one has been assigned to him. (NRS 483.290, 486.081) Section 14 of this bill requires an applicant for an identification card to furnish proof of his social security number, if he has been assigned one.

Existing law makes it unlawful for the driver of a motor vehicle to be under the influence of intoxicating liquor or a controlled substance, or both, or to have a concentration of alcohol of 0.08 or more in his blood or breath. (NRS 484.379) Existing law also requires the imposition of administrative sanctions for a person who has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath while in control of a commercial motor vehicle. (NAC 483.848) Section 22 of this bill makes it unlawful for any driver of a commercial motor vehicle, which includes a motor vehicle used to transport certain hazardous materials, to be under the influence of intoxicating liquor or a controlled substance or to have a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath.

Section 48 of this bill repeals existing law which allows the Department to issue a driver's license to an international student or instructor who declares himself to be a resident of Nevada for the limited purpose of obtaining a driver's license. (NRS 483.247) Section 48 also repeals the Driver License Compact that requires the Department to request a copy of a person's driving record from another state if he is applying for an instruction permit or an operator's or chauffer's license in this State. The person's former driving record becomes part of his driving record in this State. The Driver License Compact is repealed in anticipation of the Department adopting the Driver License Agreement to replace the compact. NRS 483.635 grants the Department the authority to enter into an agreement with another state to facilitate the exchange of information concerning the issuance, renewal, suspension or revocation of drivers' licenses and to ensure that each driver possesses only one license and driving record.

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

Section 1. NRS 481.052 is hereby amended to read as follows:

481.052 The Director shall, by regulation, define ~~["seasonal"]~~ :

1. *"Address of principal residence" as the term is used in chapters 483 and 486 of NRS;*
2. *"Conviction" as the term is used in NRS 483.010 to NRS 483.630, inclusive;*
3. *"Full legal name" as the term is used in chapters 483 and 486 of NRS; and*
4. *"Seasonal resident" as the term is used in chapters 482 and 483 of NRS.*

Sec. 2. NRS 483.290 is hereby amended to read as follows:

483.290 1. Every application for an instruction permit or for a driver's license must:

- (a) Be made upon a form furnished by the Department.
- (b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.
- (c) Be accompanied by the required fee.
- (d) State the *full legal* name, date of birth, sex, ~~and residence~~ address of *principal residence and mailing address, if different from the address of principal residence, of* the applicant and briefly describe the applicant.
- (e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. ~~[Except as otherwise provided in subsections 5, 6 and 7, every]~~ *Every* applicant must furnish proof of his *full legal* name and age by displaying an original or certified copy of ~~[at least one of the following documents:~~

~~(a) If the applicant was born in the United States, including, without limitation, the District of Columbia or any territory of the United States:~~

~~(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;~~

~~(2) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~(3) A passport issued by the United States Government;~~

~~(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;~~

~~(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;~~

~~(6) A Certificate of Degree of Indian Blood issued by the United States Government; or~~

~~(7) Such other documentation as specified by the Department by regulation; or~~

~~(b) If the applicant was born outside the United States:~~

~~(1) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services;~~

~~(2) A Consular Report of Birth Abroad issued by the Department of State;~~

~~(3) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~(4) A passport issued by the United States Government; or~~

~~(5) Any other proof acceptable to the Department other than a passport issued by a foreign government.]~~ ***the required documents as prescribed by regulation.***

3. ***The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his full legal name and age to the Department.***

4. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

~~{4.}~~ 5. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

~~{5.}~~ 6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

~~{6.}~~ 7. With respect to any document ~~{described in paragraph (b) of subsection 2, the Department may:}~~ ***presented by a person who was born outside of the United States to prove his full legal name and age, the Department:***

(a) ~~{If}~~ ***May, if*** the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) ~~{If the document specifies a date by which the person presenting the document must depart from the United States,}~~ ***Shall*** issue to the person presenting the document a driver's license that ~~{expires on the date on which the person is required to depart from the United States.}~~ ***is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.***

~~{7.}~~ 8. The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of ***any state, the District of Columbia, any territory of the United States or*** a foreign country.

The criteria *pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country* must be based upon the purpose for which that person is present within the United States.

~~{8.}~~ 9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 3. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of his knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of his eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he is to be licensed.

↪ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

↪ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 25 years of age;

(b) Has had his license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484.37955 or, during the immediately preceding 7 years, of a violation of NRS 484.379 or 484.3795 **or section 22 of this act** or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Parts 1327 et seq. of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 4. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. ~~{The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the name, date of birth, mailing address and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.}~~

2. ***The Department shall adopt regulations prescribing the information that must be contained on a driver's license.***

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General or the Chairman of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

~~{3.}~~ 4. Information pertaining to the issuance of a driver's license pursuant to subsection ~~{2}~~ 3 is confidential.

~~{4-}~~ 5. It is unlawful for any person to use a driver's license issued pursuant to subsection ~~{2}~~ 3 for any purpose other than the special investigation for which it was issued.

~~{5-}~~ 6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to have indicated whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the organ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his driver's license.

~~{6-}~~ 7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

~~{7-}~~ 8. The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection ~~{5}~~ 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 5. NRS 483.380 is hereby amended to read as follows:

483.380 1. Except as otherwise provided in NRS ~~{483.247 and}~~ 483.283, every driver's license expires ~~on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth was on February 29 in a leap year is, for the purposes of NRS 483.010 to 483.630, inclusive, considered to have the anniversary of his birth fall on February 28.~~

~~2. Every license is renewable at any time before its expiration upon application and payment of the required fee.~~

~~3. as prescribed by regulation.~~

2. *The Department shall adopt regulations prescribing when a driver's license expires.* The Department may, by regulation, defer the expiration of the driver's license of a person who is on active duty in the Armed Forces

upon such terms and conditions as it may prescribe. The Department may similarly defer the expiration of the license of the spouse or dependent son or daughter of that person if the spouse or child is residing with the person.

Sec. 6. ~~[NRS 483.410 is hereby amended to read as follows:~~

~~483.410 1. Except as otherwise provided in subsection [6] 7 and NRS 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed [, the following fees must be charged:~~

~~An original or renewal license issued to a person 65 years of age or older \$13.50~~

~~An original or renewal license issued to any person less than 65 years of age 18.50~~

~~Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385 \$40~~

~~Reinstatement of a license after revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385 65~~

~~A new photograph, change of name, change of other information, except address, or any combination 5~~

~~A duplicate license 14]~~

~~, fees must be charged and collected as prescribed by regulation.~~

~~2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.~~

~~3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.~~

~~4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to [subsections 1 and 2.] regulations adopted pursuant to subsection 8.~~

~~5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.~~

~~6. The Department may not charge a fee for the reinstatement of a driver's license that has been:~~

~~(a) Voluntarily surrendered for medical reasons; or~~

~~(b) Cancelled pursuant to NRS 483.310.~~

~~7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.~~

~~8. The Department shall adopt regulations prescribing the required fees for the issuance, renewal or reinstatement of, or any change to, a driver's license.~~

~~[8.] 9. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS~~

~~483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 483.443 is hereby amended to read as follows:~~

~~483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:~~

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

~~(b) Is in arrears in the payment for the support of one or more children;~~

~~→ send a written notice to that person that his driver's license is subject to suspension.~~

~~2. The notice must include:~~

~~(a) The reason for the suspension of the license;~~

~~(b) The information set forth in subsections 2, 5 and 6; and~~

~~(c) Any other information the Department deems necessary.~~

~~3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after he receives the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend his license without providing him with an opportunity for a hearing.~~

~~4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 176.064.~~

~~5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:~~

~~(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section or from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged; and~~

~~(b) Payment of the fee for reinstatement of a suspended license prescribed in regulation pursuant to NRS 483.410.~~

~~6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of his license.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 483.443 is hereby amended to read as follows:~~

~~483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children that a court has determined a person is in arrears in the payment for the support of a child pursuant to NRS 425.510, send a written notice to that person that his license is subject to suspension. The notice must include:~~

~~(a) The reason for the suspension of the license;~~

~~(b) The information set forth in subsections 2, 4 and 5; and~~

~~(c) Any other information the Department deems necessary.~~

~~2. If a person who receives a notice pursuant to subsection 1 does not satisfy the arrearage as required in NRS 425.510 within 30 days after he receives the notice, the Department shall suspend his license.~~

~~3. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 176.064.~~

~~4. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:~~

~~(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has satisfied the arrearages pursuant to that section or from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged; and~~

~~(b) Payment of the fee for reinstatement of a suspended license prescribed in regulation pursuant to NRS 483.410.~~

~~5. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of his license. (Deleted by amendment.)~~

Sec. 9. NRS 483.450 is hereby amended to read as follows:

483.450 1. Whenever any person is convicted of any offense for which the provisions of NRS 483.010 to 483.630, inclusive, make mandatory the revocation of his driver's license by the Department, the court in which the person is convicted may require the surrender to it of all driver's licenses then held by the person convicted, and the court may, within 20 days after the conviction, forward these licenses, together with a record of the conviction, to the Department.

2. A record of conviction must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding the conviction in the driver's record. ~~[The record of conviction from the court must include at least the name and address of the person convicted, the number of his driver's license, his social security number, the registration number of the vehicle involved, the date the citation was issued or the arrest was made, the number of the citation and the date and final disposition of the citation.]~~

3. ***The Department shall adopt regulations prescribing the information necessary to record the conviction in the driver's record.***

4. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:

(a) If the court is other than a juvenile court, a record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking; or

(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking,

➡ within 20 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted or child found in violation of a traffic law or ordinance.

~~{4.}~~ 5. For the purposes of NRS 483.010 to 483.630, inclusive:

(a) "Conviction" ~~{means a final conviction, and includes a finding by a juvenile court pursuant to NRS 62E.700.}~~ **has the meaning prescribed by regulation pursuant to NRS 481.052.**

(b) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.

~~{5.}~~ 6. The necessary expenses of mailing licenses and records of conviction to the Department as required by subsections 1 and ~~{3}~~ 4 must be paid by the court charged with the duty of forwarding those licenses and records of conviction.

Sec. 10. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A violation of NRS 484.379 **or section 22 of this act** that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

➡ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 *or section 22 of this act* that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 11. NRS 483.560 is hereby amended to read as follows:

483.560 1. Except as otherwise provided in subsection 2, any person who drives a motor vehicle on a highway or on premises to which the public

has access at a time when his driver's license has been cancelled, revoked or suspended is guilty of a misdemeanor.

2. Except as otherwise provided in this subsection, if the license of the person was suspended, revoked or restricted because of:

(a) A violation of NRS 484.379, 484.3795 or 484.384 ~~[-]~~ **or section 22 of this act;**

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the person shall be punished by imprisonment in jail for not less than 30 days nor more than 6 months or by serving a term of residential confinement for not less than 60 days nor more than 6 months, and shall be further punished by a fine of not less than \$500 nor more than \$1,000. A person who is punished pursuant to this subsection may not be granted probation, and a sentence imposed for such a violation may not be suspended. A prosecutor may not dismiss a charge of such a violation in exchange for a plea of guilty or of nolo contendere to a lesser charge or for any other reason, unless in his judgment the charge is not supported by probable cause or cannot be proved at trial. The provisions of this subsection do not apply if the period of revocation has expired but the person has not reinstated his license.

3. A term of imprisonment imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the person convicted. However, the full term of imprisonment must be served within 6 months after the date of conviction, and any segment of time the person is imprisoned must not consist of less than 24 hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 484.3792, 484.37937 or 484.3794 must run consecutively.

5. If the Department receives a record of the conviction or punishment of any person pursuant to this section upon a charge of driving a vehicle while his license was:

(a) Suspended, the Department shall extend the period of the suspension for an additional like period.

(b) Revoked, the Department shall extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(c) Restricted, the Department shall revoke his restricted license and extend the period of ineligibility for a license, permit or privilege to drive for an additional 1 year.

(d) Suspended or cancelled for an indefinite period, the Department shall suspend his license for an additional 6 months for the first violation and an additional 1 year for each subsequent violation.

6. Suspensions and revocations imposed pursuant to this section must run consecutively.

Sec. 12. ~~[NRS 483.820 is hereby amended to read as follows:~~

~~483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if he is:~~

~~(a) A resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction; or~~

~~(b) A seasonal resident who does not hold a valid Nevada driver's license.~~

~~2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect [the following fees for the issuance of an original, duplicate or changed identification card:~~

~~An original or duplicate identification card issued to a person 65 years of age or older \$4~~

~~An original or duplicate identification card issued to a person under 18 years of age 3~~

~~A renewal of an identification card for a person under 18 years of age 3~~

~~An original or duplicate identification card issued to any other person 9~~

~~A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age 9~~

~~A new photograph or change of name, or both 4]~~

~~fees as prescribed by regulation.~~

~~3. The Department shall not charge a fee for:~~

~~(a) An identification card issued to a person who has voluntarily surrendered his driver's license pursuant to NRS 483.420; or~~

~~(b) A renewal of an identification card for a person 65 years of age or older.~~

~~4. The Department shall adopt regulations prescribing the required fees for the issuance or renewal of, or any change to, an identification card.~~

~~5. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.~~

~~[5.—As used in this section, “photograph” has the meaning ascribed to it in NRS 483.125.]] (Deleted by amendment.)~~

Sec. 13. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. ~~Identification cards must include the following information concerning the holder:~~

~~(a) The name and sample signature of the holder.~~

~~(b) A unique identification number assigned to the holder that is not based on the holder's social security number.~~

~~(c) A personal description of the holder.~~

~~(d) The date of birth of the holder.~~

~~(e) The current address of the holder in this State.~~

~~(f) A colored photograph of the holder.~~

~~4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.~~

~~5.} ***The Department shall adopt regulations prescribing the information that must be contained on an identification card.***~~

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the organ donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with an organization which registers as donors persons who desire to make anatomical gifts.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.

~~{6.} 5.~~ If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

~~{7.} 6.~~ The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection ~~{5}~~ **4** information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

~~{8.} As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.~~

Sec. 14. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include ~~{ }~~, ***without limitation:***

(a) The applicant's ***full legal*** name.

- (b) ~~His social security number, if any.~~
- ~~(c)~~ His date of birth.
- ~~(d)~~ (c) His state of legal residence.
- ~~(e)~~ (d) His current address *of principal residence and mailing address, if different from his address of principal residence*, in this State, unless the applicant is on active duty in the military service of the United States.
- ~~(f)~~ (e) A statement from:

(1) A resident stating that he does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. *An applicant who has been issued a social security number must provide to the Department for inspection:*

(a) *An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or*

(b) *Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.*

4. At the time of applying for an identification card, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

~~{4.}~~ 5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time he applies for an identification card pursuant to this section.

Sec. 15. NRS 483.860 is hereby amended to read as follows:

483.860 1. ~~{Except as otherwise provided in subsection 3, every}~~ *Every* applicant for an identification card must furnish proof of his *full legal* name and age by presenting ~~{a birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States, or other proof of the applicant's date of birth, including, but not limited to, a driver's license or identification card issued by another state, the District of Columbia or any territory of the United States, or such other corroboration of the matters stated in his application as are required of applicants for a driver's license pursuant to NRS 483.290.~~

~~2.—Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:~~

~~(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or~~

~~(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.~~

~~3. The Department may refuse to accept a driver's license or identification card issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license or identification card.~~

~~4. With respect to any document described in subsection 1, the Department may, if the document has expired, refuse to accept the document or refuse to issue an identification card to the person presenting the document, or both.~~

~~5.] an original or certified copy of the required documents as prescribed by regulation.~~

2. The Director shall adopt regulations ~~[setting]~~ :

(a) *Prescribing the documents an applicant may use to furnish proof of his full legal name and age to the Department; and*

(b) *Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.*

~~{6.}~~ 3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 16. NRS 483.875 is hereby amended to read as follows:

483.875 1. Except as otherwise provided in NRS 483.861 and 483.870, an identification card and a renewal of an identification card issued pursuant to NRS 483.810 to 483.890, inclusive, expires ~~[on the fourth anniversary of the birthday of the holder of the identification card, measured from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth was on February 29 in a leap year is, for the purposes of NRS 483.810 to 483.890, inclusive, considered to have the anniversary of his birth fall on February 28.]~~ *as prescribed by regulation.*

2. *The Department shall adopt regulations prescribing when an identification card expires.*

3. An identification card is renewable at any time before its expiration upon application and payment of the required fee.

4. *The Department shall issue an identification card that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the identification card is valid for 1 year beginning on the date of issuance.*

Sec. 17. ~~[NRS 483.910 is hereby amended to read as follows:~~

~~483.910—1.—[The Department shall charge and collect the following fees~~
~~:~~

~~For an original commercial driver's license which requires the Department to administer a driving skills test \$84~~

~~For an original commercial driver's license which does not require the Department to administer a driving skills test 54~~

~~For renewal of a commercial driver's license which requires the Department to administer a driving skills test 84~~

~~For renewal of a commercial driver's license which does not require the Department to administer a driving skills test 54~~

~~For reinstatement of a commercial driver's license after suspension or revocation of the license for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii) 84~~

~~For reinstatement of a commercial driver's license after suspension, revocation, cancellation or disqualification of the license, except a suspension or revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385, or pursuant to 49 C.F.R. § 383.51(b)(2)(i) or (ii) 54~~

~~For the transfer of a commercial driver's license from another jurisdiction, which requires the Department to administer a driving skills test 84~~

~~For the transfer of a commercial driver's license from another jurisdiction, which does not require the Department to administer a driving skills test 54~~

~~For a duplicate commercial driver's license 19~~

~~For any change of information on a commercial driver's license 9~~

~~For each endorsement added after the issuance of an original commercial driver's license 14~~

~~For the administration of a driving skills test to change any information on, or add an endorsement to, an existing commercial driver's license \$30}~~

~~*The Department shall adopt regulations prescribing the required fees for the issuance or renewal of, or any change to, an identification card.*~~

~~2.—The Department shall charge and collect an annual fee of \$555 from each person who is authorized by the Department to administer a driving skills test pursuant to NRS 483.912.~~

~~3.—An additional charge of \$3 must be charged for each knowledge test administered to a person who has twice failed the test.~~

~~4.—An additional charge of \$25 must be charged for each driving skills test administered to a person who has twice failed the test.~~

~~5.—The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.~~

~~{6.—The Department shall charge an applicant for a hazardous materials endorsement an additional fee for the processing of fingerprints. The Department shall establish the additional fee by regulation, except that the amount of the additional fee must not exceed the sum of the amount charged~~

by the Central Repository for Nevada Records of Criminal History and each applicable federal agency to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.} (Deleted by amendment.)

Sec. 18. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 22, inclusive, of this act.

Sec. 19. *As used in NRS 484.379 to 484.3947, inclusive, and section 19 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 20 and 21 of this act have the meanings ascribed to them in those sections.*

Sec. 20. *"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:*

1. Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

2. Has a gross vehicle weight rating of 26,001 or more pounds;

3. Is designed to transport 16 or more passengers, including the driver;
or

4. Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

Sec. 21. *The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.*

Sec. 22. *1. It is unlawful for any person who:*

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath,

↪ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) *Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a commercial motor vehicle,*

↳ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. *It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his blood or urine that is equal to or greater than:*

	<i>Urine</i>	<i>Blood</i>
	<i>Nanograms</i>	<i>Nanograms</i>
<i>Prohibited substance</i>	<i>per milliliter</i>	<i>per milliliter</i>
(a) <i>Amphetamine</i>	<i>500</i>	<i>100</i>
(b) <i>Cocaine</i>	<i>150</i>	<i>50</i>
(c) <i>Cocaine metabolite</i>	<i>150</i>	<i>50</i>
(d) <i>Heroin</i>	<i>2,000</i>	<i>50</i>
(e) <i>Heroin metabolite:</i>		
(1) <i>Morphine</i>	<i>2,000</i>	<i>50</i>
(2) <i>6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
(f) <i>Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
(g) <i>Marijuana</i>	<i>10</i>	<i>2</i>
(h) <i>Marijuana metabolite</i>	<i>15</i>	<i>5</i>
(i) <i>Methamphetamine</i>	<i>500</i>	<i>100</i>
(j) <i>Phencyclidine</i>	<i>25</i>	<i>10</i>

4. *If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.04 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.*

5. *A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.*

Sec. 23. NRS 484.3667 is hereby amended to read as follows:

484.3667 1. Except as otherwise provided in subsection 2, a person who is convicted of a violation of a speed limit, or of NRS 484.254, 484.278, 484.289, 484.2895, 484.291 to 484.301, inclusive, 484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377, 484.3775,

484.379, 484.448, 484.453 or 484.479, *or section 22 of this act* that occurred:

(a) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

(b) At a time when the workers who are performing the construction, maintenance or repair of the highway are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

☛ shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

3. A governmental entity that designates an area as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating “DOUBLE PENALTIES IN WORK ZONES” to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

Sec. 24. NRS 484.3791 is hereby amended to read as follows:

484.3791 1. In addition to any other penalty provided by law, a person convicted of a violation of NRS 484.379 *or section 22 of this act* is liable to the State for a civil penalty of \$35, payable to the Department.

2. The Department shall not issue any license to drive a motor vehicle to a person convicted of a violation of NRS 484.379 *or section 22 of this act* until the civil penalty is paid.

3. Any money received by the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.

Sec. 25. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Unless a greater penalty is provided pursuant to NRS 484.3795 or 484.37955, and except as otherwise provided in subsection 2, a person who violates the provisions of NRS 484.379 ~~+~~ **or section 22 of this act:**

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.37937, the court shall:

(1) Except as otherwise provided in subparagraph (4) or subsection 7, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.37937, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379 ~~+~~ **or section 22 of this act;**

(3) Fine him not less than \$400 nor more than \$1,000; and

(4) If he is found to have a concentration of alcohol of 0.18 or more in his blood or breath, order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall:

(1) Sentence him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine him not less than \$750 nor more than \$1,000, or order him to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies him as having violated the provisions of NRS 484.379 ~~+~~ **or section 22 of this act;** and

(3) Order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484.37945.

➡ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) For a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall

be further punished by a fine of not less than \$2,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Unless a greater penalty is provided in NRS 484.37955, a person who has previously been convicted of:

(a) A violation of NRS 484.379 *or section 22 of this act* that is punishable as a felony pursuant to paragraph (c) of subsection 1;

(b) A violation of NRS 484.3795;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c),

➡ and who violates the provisions of NRS 484.379 *or section 22 of this act* is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

3. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. An offense which is listed in paragraphs (a) to (d), inclusive, of subsection 2 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

4. A person convicted of violating the provisions of NRS 484.379 *or section 22 of this act* must not be released on probation, and a sentence imposed for violating those provisions must not be suspended except, as provided in NRS 4.373, 5.055, 484.37937 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 *or section 22 of this act* in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is

obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

5. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.37937 or 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

6. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560 or 485.330 must run consecutively.

7. If the person who violated the provisions of NRS 484.379 *or section 22 of this act* possesses a driver's license issued by a state other than the State of Nevada and does not reside in the State of Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the Department within the time specified in the order,

➡ and the court shall notify the Department if the person fails to complete the assigned course within the specified time.

8. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

9. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation must be excluded.

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

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Offense" means:

(1) A violation of NRS 484.379 or 484.3795 ~~or~~ **or section 22 of this act;**

(2) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(3) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in subparagraph (1) or (2).

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 26. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. An offender who is found guilty of a violation of NRS 484.379 **or section 22 of this act** that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 may, at that time or any time before he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse which is certified by the Health Division of the Department of Health and Human Services for at least 1 year if:

(a) The offender is diagnosed as an alcoholic or abuser of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the costs of the treatment to the extent of his financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484.3792, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment facility, that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and

during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or he fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792, but the conviction must remain on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his failure to be accepted for or complete treatment.

Sec. 27. NRS 484.37945 is hereby amended to read as follows:

484.37945 1. When a program of treatment is ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, the court shall place the offender under the clinical supervision of a treatment facility for treatment for a period not to exceed 1 year, in accordance with the report submitted to the court pursuant to subsection 3, 4, 5 or 6 of NRS 484.37943. The court shall:

(a) Order the offender confined in a treatment facility, then release the offender for supervised aftercare in the community; or

(b) Release the offender for treatment in the community,

➡ for the period of supervision ordered by the court.

2. The court shall:

(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and

(b) Order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all those charges, the court shall, to the extent possible, arrange for the offender to obtain his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.

3. A treatment facility is not liable for any damages to person or property caused by a person who:

(a) Drives, operates or is in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance; or

(b) Engages in any other conduct prohibited by NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 **or section 22 of this act** or a law of any other jurisdiction that prohibits the same or similar conduct,

➔ after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792.

Sec. 28. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender for a violation of NRS 484.379 **or section 22 of this act** that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS to make such an evaluation;

(b) A physician who is certified to make such an evaluation by the Board of Medical Examiners; or

(c) A psychologist who is certified to make such an evaluation by the Board of Psychological Examiners.

3. The alcohol and drug abuse counselor, physician or psychologist who conducts the evaluation shall immediately forward the results of the evaluation to the Director of the Department of Corrections.

Sec. 29. NRS 484.3797 is hereby amended to read as follows:

484.3797 1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons who:

(a) Have been injured or had members of their families or close friends injured or killed 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 **or section 22 of this act** or a law of any other jurisdiction that prohibits the same or similar conduct; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

➔ The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.

2. Except as otherwise provided in this subsection, if a defendant pleads guilty to or is found guilty of any violation of NRS 484.379, 484.3795 or 484.37955, **or section 22 of this act**, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families or close friends injured or killed 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 **or section 22 of this act**, or a law of any other jurisdiction that prohibits the same or similar conduct, in order to have the defendant understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

↪ The court may, but is not required to, order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall, after attending the meeting, present evidence or other documentation satisfactory to the court that he attended the meeting and remained for its entirety.

Sec. 30. NRS 484.37975 is hereby amended to read as follows:

484.37975 1. If a person is convicted of a second or subsequent violation of NRS 484.379 or 484.3795 **or section 22 of this act** within 7 years or a violation of NRS 484.37955, the court shall issue an order directing the Department to suspend the registration of each motor vehicle that is registered to or owned by the person for 5 days.

2. If a court issues an order directing the Department to suspend the registration of a motor vehicle pursuant to subsection 1, the court shall forward a copy of the order to the Department within 5 days after issuing the order. The order must include, without limitation, information concerning each motor vehicle that is registered to or owned by the person, including, without limitation, the registration number of the motor vehicle, if such information is available.

3. A court shall provide for limited exceptions to the provisions of subsection 1 on an individual basis to avoid undue hardship to a person other than the person to whom that provision applies. Such an exception must be provided if the court determines that:

(a) A member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

(1) To travel to or from work or in the course and scope of his employment;

(2) To obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) To transport himself or another member of his immediate family to or from school; or

(b) An alternative means of transportation is not available to a member of the immediate family of the person whose registration is suspended.

Sec. 31. NRS 484.3798 is hereby amended to read as follows:

484.3798 1. If a defendant pleads guilty to or is found guilty of any violation of NRS 484.379, 484.3795 or 484.37955 *or section 22 of this act* and a chemical analysis of his blood, urine, breath or other bodily substance was conducted, the court shall, in addition to any penalty provided by law, order the defendant to pay the sum of \$60 as a fee for the chemical analysis. Except as otherwise provided in this subsection, any money collected for the chemical analysis must not be deducted from, and is in addition to, any fine otherwise imposed by the court and must be:

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

2. All money collected pursuant to subsection 1 must be paid by the clerk of the court to the county or city treasurer, as appropriate, on or before the fifth day of each month for the preceding month.

3. The treasurer shall deposit all money received by him pursuant to subsection 2 in the county or city treasury, as appropriate, for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.

5. In counties that do not receive forensic services under a contract with the State, the money credited to the fund pursuant to subsection 3:

(a) Except as otherwise provided in paragraph (b), must be:

(1) Expended to pay for the chemical analyses performed within the county;

(2) Expended to purchase and maintain equipment to conduct such analyses;

(3) Expended for the training and continuing education of the employees who conduct such analyses; and

(4) Paid to law enforcement agencies which conduct such analyses to be used by those agencies in the manner provided in this subsection.

(b) May only be expended to cover the costs of chemical analyses conducted by, equipment used by, or training for employees of an analytical laboratory that is approved by the Committee on Testing for Intoxication created in NRS 484.388.

Sec. 32. NRS 484.382 is hereby amended to read as follows:

484.382 1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to a preliminary test of his breath to determine the concentration of alcohol in his breath when the test is

administered at the direction of a police officer at the scene of a vehicle accident or collision or where he stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ~~or~~ **or section 22 of this act.**

2. If the person fails to submit to the test, the officer shall seize his license or permit to drive as provided in NRS 484.385 and arrest him and take him to a convenient place for the administration of a reasonably available evidentiary test under NRS 484.383.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Sec. 33. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as otherwise provided in subsections 3 and 4, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance to determine the concentration of alcohol in of his blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ~~or~~ **or section 22 of this act.**

2. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person be tested.

3. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath or urine test.

4. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, he must pay for the cost of the blood test, including the fees and expenses of witnesses in court.

(c) A police officer may direct the person to submit to a blood test if the officer has reasonable grounds to believe that the person:

(1) Caused death or substantial bodily harm to another person as a result of driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or as a result of engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955; or

(2) Has been convicted within the previous 7 years of:

(I) A violation of NRS 484.379, 484.3795, 484.37955, subsection 2 of NRS 488.400, NRS 488.410, 488.420 or 488.425 **or section 22 of this act** or a law of another jurisdiction that prohibits the same or similar conduct; or

(II) Any other offense in this State or another jurisdiction in which death or substantial bodily harm to another person resulted from conduct prohibited by a law set forth in sub-subparagraph (I).

5. If the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

6. Except as otherwise provided in subsections 3 and 5, a police officer shall not direct a person to submit to a urine test.

7. If a person to be tested fails to submit to a required test as directed by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955, **or section 22 of this act**,

➡ the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the concentration of alcohol or presence of a controlled substance or another prohibited substance in his blood.

8. If a person who is less than 18 years of age is directed to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 34. NRS 484.389 is hereby amended to read as follows:

484.389 1. If a person refuses to submit to a required chemical test provided for in NRS 484.382 or 484.383, evidence of that refusal is admissible in any criminal or administrative action arising out of acts alleged to have been committed while the person was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 ~~or~~ **or section 22 of this act.**

2. Except as otherwise provided in subsection 3 of NRS 484.382, a court or hearing officer may not exclude evidence of a required test or failure to submit to such a test if the police officer or other person substantially complied with the provisions of NRS 484.382 to 484.393, inclusive.

3. If a person submits to a chemical test provided for in NRS 484.382 or 484.383, full information concerning that test must be made available, upon his request, to him or his attorney.

4. Evidence of a required test is not admissible in a criminal or administrative proceeding unless it is shown by documentary or other evidence that the law enforcement agency calibrated the breath-testing device and otherwise maintained it as required by the regulations of the Committee on Testing for Intoxication.

Sec. 35. NRS 484.391 is hereby amended to read as follows:

484.391 1. A person who is arrested for driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or for engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 **or section 22 of this act** must be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test or tests to determine:

(a) The concentration of alcohol in his blood or breath; or

(b) Whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present in his blood or urine.

2. The failure or inability to obtain such a test or tests by such a person does not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a police officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 484.383.

Sec. 36. 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 **or section 22 of this act** unless:

(a) The blood tested was withdrawn by a person, other than an arresting officer, who:

(1) Is a physician, physician assistant, 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. 37. NRS 484.3943 is hereby amended to read as follows:

484.3943 1. Except as otherwise provided in subsections 2 and 5, a court:

(a) May order a person convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, if the person is found to have had a concentration of alcohol of less than 0.18 in his blood or breath, for a period of not less than 3 months nor more than 6 months, to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege.

(b) Shall order a person convicted of:

(1) A violation of NRS 484.379 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484.3792, if the person is found to have had a concentration of alcohol of 0.18 or more in his blood or breath;

(2) A violation of NRS 484.379 *or section 22 of this act* that is punishable as a felony pursuant to NRS 484.3792; or

(3) A violation of NRS 484.3795 or 484.37955,
➡ for a period of not less than 12 months nor more than 36 months, to install at his own expense a device in any motor vehicle which he owns or operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of his driving privilege.

2. A court may provide for an exception to the provisions of subparagraph (1) of paragraph (b) of subsection 1 for a person who is convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792, to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship; and

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his employment;

(2) Obtain medicine, food or other necessities or to obtain health care services for himself or another member of his immediate family; or

(3) Transport himself or another member of his immediate family to or from school.

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before he may receive a restricted license or before his driving privilege may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section shall:

(a) If he was ordered to install a device pursuant to paragraph (a) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time during the period in which he is required to use the device; or

(b) If he was ordered to install a device pursuant to paragraph (b) of subsection 1, have the device inspected by the manufacturer of the device or its agent at least one time each 90 days,

➡ to determine whether the device is operating properly. An inspection required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484.3888. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly and whether it has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device.

5. If a person is required to operate a motor vehicle in the course and scope of his employment and the motor vehicle is owned by his employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➡ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to him or reinstates his driving privilege and is tolled whenever and for as long as the person is, with regard to a violation of

NRS 484.379, 484.3795 or 484.37955, *or section 22 of this act*, imprisoned, serving a term of residential confinement, confined in a treatment facility, on parole or on probation.

7. As used in this section:

(a) "Concentration of alcohol of 0.18 or more in his blood or breath" means 0.18 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(b) "Concentration of alcohol of less than 0.18 in his blood or breath" means less than 0.18 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

(c) "Treatment facility" has the meaning ascribed to it in NRS 484.3793.

Sec. 38. NRS 484.791 is hereby amended to read as follows:

484.791 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed any of the following offenses:

(a) Homicide by vehicle;

(b) A violation of NRS 484.379 ~~or~~ *or section 22 of this act*;

(c) A violation of NRS 484.3795;

(d) A violation of NRS 484.37955;

(e) Failure to stop, give information or render reasonable assistance in the event of an accident resulting in death or personal injuries in violation of NRS 484.219 or 484.223;

(f) Failure to stop or give information in the event of an accident resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484.221 or 484.225;

(g) Reckless driving;

(h) Driving a motor vehicle on a highway or on premises to which the public has access at a time when his driver's license has been cancelled, revoked or suspended; or

(i) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him pursuant to NRS 483.490.

2. Whenever any person is arrested as authorized in this section, he must be taken without unnecessary delay before the proper magistrate as specified in NRS 484.803, except that in the case of either of the offenses designated in paragraphs (f) and (g) of subsection 1, a peace officer has the same discretion as is provided in other cases in NRS 484.795.

Sec. 39. NRS 484.795 is hereby amended to read as follows:

484.795 Whenever any person is halted by a peace officer for any violation of this chapter and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate. He must be taken before the magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;

2. When the person is charged with a violation of NRS 484.701, relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;

3. When the person is charged with a violation of NRS 484.755, relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or

4. When the person is charged with a violation of NRS 484.379 ~~or~~ **section 22 of this act**, unless he is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking him before the magistrate.

Sec. 40. NRS 486.081 is hereby amended to read as follows:

486.081 1. Every application for a motorcycle driver's license must be made upon a form furnished by the Department and must be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

2. Every application must:

(a) State the full **legal** name, date of birth, sex, ~~and residence~~ address of ~~the applicant;~~ **principal residence and mailing address, if different from the address of principal residence;**

(b) Briefly describe the applicant;

(c) State whether the applicant has previously been licensed as a driver, and, if so, when and by what state or country;

(d) State whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal; and

(e) Give such other information as the Department requires to determine the competency and eligibility of the applicant.

3. ~~Except as otherwise provided in subsections 5, 6 and 7, every~~ **Every** applicant shall furnish proof of his **full legal** name and age by displaying an original or certified copy of ~~at least one of the following document:~~

~~(a) If he was born in the United States, including, without limitation, the District of Columbia or any territory of the United States:~~

~~(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;~~

~~(2) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~(3) A passport issued by the United States Government;~~

~~(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;~~

~~(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;~~

~~(6) A Certificate of Degree of Indian Blood issued by the United States Government; or~~

~~(7) Such other documentation as specified by the Department by regulation; or~~

~~(b) If he was born outside the United States:~~

~~(1) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services;~~

~~(2) A Consular Report of Birth Abroad issued by the Department of State;~~

~~(3) A driver's license issued by another state, the District of Columbia or any territory of the United States;~~

~~(4) A passport issued by the United States Government; or~~

~~(5) Any other proof acceptable to the Department other than a passport issued by a foreign government.]~~ *the required documents as prescribed by regulation.*

4. *The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his full legal name and age to the Department.*

5. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

~~{5-}~~ 6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

~~{6-}~~ 7. With respect to any document ~~{described in paragraph (b) of subsection 3, the Department may:~~

~~(a) If the document} that has expired {-} :~~

~~(a) The Department may~~ refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

~~(b) If the document {specifies a date by which the person presenting the document must depart from} indicates that the person is authorized to stay in the United States,~~ *the Department shall issue to the person presenting the document a driver's license that {expires on the date on which the person is required to depart from the United States.} is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.*

~~{7-}~~ 8. The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of *a state, the District of Columbia, any territory of the United States or* a foreign country. *The criteria pursuant to which the Department shall issue or refuse to issue*

a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

~~{8.}~~ 9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for a motorcycle driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 41. NRS 486.161 is hereby amended to read as follows:

486.161 1. Except as otherwise provided in subsection ~~{4.}~~ 5, every motorcycle driver's license expires ~~{on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license or a license renewing an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth is February 29 is, for the purposes of NRS 486.011 to 486.381, inclusive, considered to have the anniversary of his birth fall on February 28.}~~ *as prescribed by regulation.*

2. *The Department shall adopt regulations prescribing when a motorcycle driver's license expires.*

3. Every license is renewable at any time before its expiration upon application, submission of the statement required pursuant to NRS 486.084 and payment of the required fee. Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.

~~{3.}~~ 4. Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of his eyesight.

~~{4.}~~ 5. Any person who has been issued a driver's license without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:

- (a) A driving test conducted by the Department; or
 - (b) A course of motorcycle safety approved by the Department,
- ➔ and have the authority endorsed upon his license.

Sec. 42. NRS 486.161 is hereby amended to read as follows:

486.161 1. Except as otherwise provided in subsection ~~{4.}~~ 5, every motorcycle driver's license expires ~~{on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license or a license renewing an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth is February 29 is, for the purposes of NRS 486.011 to 486.381, inclusive, considered to have the anniversary of his birth fall on February 28.}~~ *as prescribed by regulation.*

2. *The Department shall adopt regulations prescribing when a motorcycle driver's license expires.*

3. Every license is renewable at any time before its expiration upon application and payment of the required fee. Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.

~~{3-}~~ 4. Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of his eyesight.

~~{4-}~~ 5. Any person who has been issued a driver's license without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:

- (a) A driving test conducted by the Department; or
- (b) A course of motorcycle safety approved by the Department,

➔ and have the authority endorsed upon his license.

Sec. 43. NRS 179A.070 is hereby amended to read as follows:

179A.070 1. "Record of criminal history" means information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors issued pursuant to NRS 171.1773, citations issued for violations of NRS 484.379, 484.3795 and 484.37955, **and section 22 of this act**, detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges, including, without limitation, dismissals, acquittals, convictions, sentences, information set forth in NRS 209.353 concerning an offender in prison, any postconviction relief, correctional supervision occurring in Nevada, information concerning the status of an offender on parole or probation, and information concerning a convicted person who has registered as such pursuant to chapter 179C of NRS. The term includes only information contained in a record, maintained in written or electronic form, of a formal transaction between a person and an agency of criminal justice in this State, including, without limitation, the fingerprints of a person who is arrested and taken into custody and of a person who is placed on parole or probation and supervised by the Division of Parole and Probation of the Department.

2. "Record of criminal history" does not include:

(a) Investigative or intelligence information, reports of crime or other information concerning specific persons collected in the course of the enforcement of criminal laws;

(b) Information concerning juveniles;

(c) Posters, announcements or lists intended to identify fugitives or wanted persons and aid in their apprehension;

(d) Original records of entry maintained by agencies of criminal justice if the records are chronological and not cross-indexed;

(e) Records of application for and issuance, suspension, revocation or renewal of occupational licenses, including, without limitation, permits to work in the gaming industry;

(f) Except as otherwise provided in subsection 1, court indexes and records of public judicial proceedings, court decisions and opinions, and information disclosed during public judicial proceedings;

(g) Except as otherwise provided in subsection 1, records of traffic violations constituting misdemeanors;

(h) Records of traffic offenses maintained by the Department to regulate the issuance, suspension, revocation or renewal of drivers' or other operators' licenses;

(i) Announcements of actions by the State Board of Pardons Commissioners and the State Board of Parole Commissioners, except information concerning the status of an offender on parole or probation; or

(j) Records which originated in an agency other than an agency of criminal justice in this State.

Sec. 44. NRS 209.425 is hereby amended to read as follows:

209.425 1. The Director shall, with the approval of the Board, establish a program for the treatment of an abuser of alcohol or drugs who is imprisoned for a violation of NRS 484.379 *or section 22 of this act* that is punishable as a felony pursuant to NRS 484.3792 or a violation of NRS 484.3795 or 484.37955. The program must include an initial period of intensive mental and physical rehabilitation in a facility of the Department, followed by regular sessions of education, counseling and any other necessary or desirable treatment.

2. The Director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the Department if the offender assigns to the Department any wages he earns under such a program. The Director may deduct from the wages of the offender an amount determined by the Director, with the approval of the Board, to:

(a) Offset the costs, as reflected in the budget of the Department, to maintain the offender in a facility or institution of the Department and in the program of treatment established pursuant to this section; and

(b) Meet any existing obligation of the offender for the support of his family or restitution to any victim of his crime.

Sec. 45. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect to be assigned by the court to a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580 before he is sentenced unless:

1. The crime is:

(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

(b) A crime against a child as defined in NRS 179D.210;

(c) A sexual offense as defined in NRS 179D.410; or

(d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The crime is that of trafficking of a controlled substance;

3. The crime is a violation of NRS 484.379, 484.3795 or 484.37955 ~~or~~ *or section 22 of this act;*

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

Sec. 46. Section 21 of this act is hereby amended to read as follows:

Sec. 21. The phrase “concentration of alcohol of 0.04 or more but less than ~~{0.08}~~ **0.10** in his blood or breath” means 0.04 gram or more but less than ~~{0.08}~~ **0.10** gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his breath.

Sec. 47. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than ~~{0.08}~~ **0.10** in his blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than ~~{0.08}~~ **0.10** in his blood or breath,

↪ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

↪ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his blood or urine that is equal to or greater than:

	Urine	Blood
	Nanograms	Nanograms
Prohibited substance	per milliliter	per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his blood or breath was tested, to cause him to have a concentration of alcohol of 0.04 or more in his blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 48. NRS 483.247, 483.345, 483.670 and 483.922 are hereby repealed.

Sec. 48.5. 1. The regulations adopted by the Department of Motor Vehicles or the Director of the Department pursuant to:

(a) Subsections 1 and 3 of NRS 481.052, as amended by section 1 of this act;

(b) Subsection 3 of NRS 483.290, as amended by section 2 of this act;

(c) Subsection 2 of NRS 483.340, as amended by section 4 of this act;

(d) Subsection 2 of NRS 483.380, as amended by section 5 of this act;

(e) Subsection 3 of NRS 483.840, as amended by section 13 of this act;

(f) Subsection 2 of NRS 483.860, as amended by section 15 of this act;

(g) Subsection 2 of NRS 483.875, as amended by section 16 of this act;

(h) Subsections 4 and 8 of NRS 486.081, as amended by section 40 of this act; and

(i) Subsection 2 of NRS 486.161, as amended by section 41 of this act, ➤ must be consistent with the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005, Public Law 109-13, Division B, Title II, 119 Stat. 311, 49 U.S.C. § 30301.

2. The regulations of the Department of Motor Vehicles or the Director of the Department specified in subsection 1 must not become effective until the later of:

(a) May 11, 2008;

(b) The effective date of the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005; or

(c) The expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

Sec. 49. 1. This ~~act becomes~~ **section and section 48.5 of this act become** effective upon passage and approval .

2. Sections 1 to 7, inclusive, 9 to 41, inclusive, 43, 44, 45 and 48 of this act become effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act. ~~[This section and sections 1 to 7, inclusive, 9 to 41,]~~ **For all other purposes:**

(a) Sections 3, 6, 7, 9 to 12, inclusive, 17 to 39, inclusive, and 43, 44, 45 and 48 of this act become effective on ~~[March 1, 2008, for all other purposes.]~~ October 1, 2007; and

(b) Sections 1, 2, 4, 5, 13 to 16, inclusive, 40 and 41 of this act become effective upon the later of:

(1) May 11, 2008;

(2) The effective date of the regulations issued by the Secretary of Homeland Security to implement the provisions of the Real ID Act of 2005; or

(3) The expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

~~[2.]~~ **3.** Sections 7 and 41 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

~~[3.]~~ **4.** Sections 8 and 42 of this act become effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a 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 of the support of one or more children,
 ↪ are repealed by the Congress of the United States.

~~44~~ 5. Sections 21 and 22 of this act expire by limitation on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

~~45~~ 6. Sections 46 and 47 of this act become effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.

TEXT OF REPEALED SECTIONS

483.247 License for international student or instructor: Application; issuance; expiration; renewal.

1. The Department may issue a Nevada driver's license to an international student or instructor who declares himself to be a resident of this State for the limited purpose of obtaining a driver's license.

2. An application for a driver's license pursuant to this section must be made on a form provided by the Department.

3. A driver's license issued pursuant to this section:

(a) Expires on the first anniversary date of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal. The license may be extended for an additional year, not to exceed 3 additional years:

(1) If the licensee submits such proof as may be required by the Department that he is an international student or instructor; and

(2) Upon the payment of a fee for the extension that is established by the Department in an amount necessary to cover the administrative expense of extending the license.

(b) Must be renewed on the fourth anniversary date of the licensee's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. No license may be issued pursuant to this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

483.345 Number of license issued or renewed after January 1, 1998, not to be based on social security number; Department to convert number based on social security number upon request.

1. The number of any driver's license issued or renewed by the Department on or after January 1, 1998, must be a unique number that is not based on the social security number of the licensee.

2. If the number of a driver's license issued by the Department is the licensee's social security number or was formulated by using the licensee's social security number as a basis for the number, the Department shall, upon the request of the licensee:

(a) Convert the number of the license to a unique number that is not based on the licensee's social security number; and

(b) Upon surrender of the outstanding license, issue a license that contains the new number.

483.670 Application from person previously licensed in another state; copy of record from other state becomes part of record in Nevada; Department to furnish records to other states.

1. Whenever an application for an instruction permit or for an operator's or chauffeur's license is received from a person previously licensed in another state, the Department shall request a copy of the operator's record from the other state. When received, the operator's record becomes part of his record in this State with the same effect as though entered on his record in this State in the original instance.

2. Whenever the Department receives a request for an operator's record from another licensing state the record must be forwarded without charge.

483.922 Tests to determine concentration of alcohol or presence of controlled or prohibited substance: Implied consent to and grounds for administration.

1. Except as otherwise provided in NRS 484.383, a person who drives, operates or is in actual physical control of a commercial motor vehicle within this State shall be deemed to have given consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the concentration of alcohol in his blood or breath or to detect the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance.

2. The tests must be administered pursuant to NRS 484.383 at the direction of a police officer who, after stopping or detaining such a person, has reasonable grounds to believe that the person was:

(a) Driving, operation or in actual physical control of a commercial motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

3. As used in this section, "prohibited substance" has the meaning ascribed to it in NRS 484.1245.

Assemblyman Arberry moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 584.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 584:

YEAS—41.

NAYS—None.

EXCUSED—Settelmeyer.

Assembly Bill No. 584 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 461.

The following Senate amendment was read:

Amendment No. 803.

SUMMARY—Makes certain changes ~~to the Clark County Sales and Use Tax Act of 2005.~~ **concerning sales and use taxes.** (BDR S-1333)

AN ACT relating to taxation; providing for certain reporting requirements and the review of certain expenditures relating to the Clark County Sales and Use Tax Act of 2005; **authorizing the Board of County Commissioners of Nye County to increase the sales and use tax to support public safety services in Nye County;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Clark County Sales and Use Tax Act of 2005 authorized the Board of County Commissioners of Clark County to impose up to one-half of 1 percent sales and use tax to employ and equip additional police officers for various police departments in Clark County. ~~[This]~~ **Section 1 of this** bill adds a requirement that any governmental entity that authorizes expenditures from the tax revenues for a police department must submit periodic reports to the Legislature concerning the use of that money, and authorizes the Legislative Commission to review and investigate those expenditures.

Sections 3-22 of this bill are modeled on the provisions of the Clark County Sales and Use Tax Act of 2005, and authorize the Board of County Commissioners of Nye County to impose an additional sales tax of up to one-half of 1 percent for the purposes of recruiting, employing and equipping additional firefighters, deputy sheriffs and other public safety personnel and constructing, improving and equipping public safety facilities in Nye County. Any proposed change in the use of the proceeds of the tax must be submitted to the voters and be approved by the Legislature.

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

Section 1. The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 13.5, immediately following section 13, to read as follows:

Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section 13 of this Act shall submit to the Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature or the Legislative Commission when the Legislature is not in regular session, the periodic reports required pursuant to this section and such other information relating to the provisions of this Act as may be requested by the Director of the Legislative Counsel Bureau.

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the Director of the Legislative Counsel Bureau and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective police department from the sales and use tax imposed pursuant to this Act;

(b) A detailed description of the use of the proceeds, including, without limitation:

(1) The total expenditures made by the respective police department from the sales and use tax imposed pursuant to this Act;

(2) The total number of police officers hired by the police department and the number of those officers that are filling authorized, funded positions for new officers; and

(3) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this Act; and

(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department; and

(c) Any other information required to complete the form for the report.

4. The Legislative Commission may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 13 of this Act.

Sec. 2. Notwithstanding the provisions of section 1 of this act, the report submitted pursuant to section 1 of this act by a governing body to the

Director of the Legislative Counsel Bureau on or before November 15, 2007, must separately cover:

1. The period beginning on October 1, 2005, and ending on September 30, 2007; and

2. The period beginning on July 1, 2006, and ending on June 30, 2007.

Sec. 3. Sections 3 to 22, inclusive, of this act may be cited as the Nye County Sales and Use Tax Act of 2007.

Sec. 4. The Legislature hereby finds and declares that:

1. Nye County has experienced and continues to experience substantial growth, growing from a population of 32,485 residents in 2000 to a projected population of over 44,580 residents in 2006;

2. Nye County is the third largest county in terms of geographic area in the United States and the growth in Nye County has occurred over this wide geographical area;

3. The increase in the number of public safety personnel and facilities to protect the residents of Nye County has not kept pace with this growth;

4. The danger from fire and crime is increasing in Nye County, and so is the time it takes for public safety personnel to respond when a resident reports a fire or crime;

5. It is intended that the Board of County Commissioners of Nye County establish a program that promotes community participation in protecting the residents of the community that includes, without limitation:

(a) A written policy on providing public safety services oriented toward the involvement of residents of the community;

(b) The provision of training for all public safety personnel employed in the County that includes, without limitation, training relating to:

(1) Methods that may be used to analyze, respond to and solve problems commonly confronted by public safety personnel in the community;

(2) The cultural and racial diversity of the residents of the community;

(3) The proper utilization of community resources, such as local housing authorities, public utilities and local public officials, that are available to assist in providing public safety services; and

(4) Issues concerning not only the prevention of fires and crime, but also improving the quality of life for the residents of the community; and

(c) The formation of partnerships with the residents of the community and public and private agencies and organizations to address mutual concerns relating to the provision of public safety services;

6. A general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act because of the demographic, economic and geographic diversity of the local governments of this State, the unique

growth patterns occurring in Nye County and the special financial conditions experienced in the County relating to the need to recruit, employ and equip more public safety personnel and to construct, improve and equip public safety facilities; and

7. The powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act comply in all respects with any requirement or limitation pertaining thereto and imposed by any constitutional provisions.

Sec. 5. Except as otherwise provided in this act or unless the context otherwise requires, the terms used or referred to in this act have the meanings ascribed to them in chapter 374 of NRS, as from time to time amended, but the definitions in sections 6 to 13, inclusive, of this act, unless the context otherwise requires, govern the construction of this act.

Sec. 6. "Act" means the Nye County Sales and Use Tax Act of 2007.

Sec. 7. "Board" means the Board of County Commissioners of Nye County.

Sec. 8. "County" means Nye County.

Sec. 9. "County Treasurer" means the County Treasurer of Nye County.

Sec. 10. "Department" means the Department of Taxation created pursuant to NRS 360.120.

Sec. 11. "Employ" means making an expenditure for the purpose of providing employment, including, without limitation, paying wages and benefits.

Sec. 12. "Recruit" means making an expenditure for the purpose of attracting applicants for employment or persuading an applicant to accept employment, including, without limitation, providing materials and services relating to recruitment, paying signing bonuses, paying expenses relating to relocation and providing assistance with the purchase of a house.

Sec. 13. "Sheriff" means the Sheriff of Nye County.

Sec. 14. 1. The Board may enact an ordinance imposing a local sales and use tax to:

- (a) Recruit, employ and equip additional firefighters, deputy sheriffs to the Sheriff and other public safety personnel;
- (b) Improve and equip existing public safety facilities; and
- (c) Construct and equip new public safety facilities.

2. Before enacting such an ordinance, the Board shall hold a public hearing to present its plan for implementing the local sales and use tax.

3. The proceeds from the tax authorized pursuant to this section, including interest and other income earned thereon, must be:

- (a) Allocated for expenditure:

(1) In the areas of Pahrump, Amargosa Valley, Beatty, Tonopah, Round Mountain, Manhattan, Gabbs and any other town or city created in Nye County after October 1, 2007, and in the remaining

unincorporated area of Nye County on a pro rata basis in each of those areas based upon the ratio of the population of that area to the total population of Nye County; or

(2) In any other manner that the Board and the governing body of each of those areas agree to be appropriate to carry out the purposes set forth in subsection 1 in accordance with the provisions of section 17 of this act.

↪ As used in this paragraph, “population” means the estimated annual population determined pursuant to NRS 360.283.

(b) Used only as approved pursuant to section 17 of this act and only for the purposes set forth in subsection 1 unless the Legislature changes the use. The Board shall, before submitting to the Legislature any request to change the uses for the proceeds from the tax, submit an advisory question to the voters of the County pursuant to NRS 293.482, asking whether the uses for the proceeds from the tax should be so changed. The Board shall not submit such a request to the Legislature if a majority of the voters in the County disapprove the proposed change.

Sec. 15. An ordinance enacted pursuant to this act must include provisions in substance as follows:

1. A provision imposing a tax on the gross receipts of any retailer from the sale of all tangible personal property sold at retail or stored, used or otherwise consumed in the County, including incorporated cities in the County, at a rate that does not exceed one-half of 1 percent.

2. Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

3. A provision that an amendment to chapter 374 of NRS enacted after the effective date of the ordinance, not inconsistent with this act, automatically becomes part of the ordinance imposing the tax.

4. A provision that the Board shall contract with the Department, before the effective date of the ordinance, to perform all the functions incident to the administration or operation of the tax in the County.

5. A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed on the sale of, and the storage, use or other consumption in the County, including incorporated cities in the County, of, tangible personal property used for the performance of a written contract for the construction of an improvement to real property:

(a) That was entered into on or before the effective date of the tax; or

(b) For which a binding bid was submitted before that date if the bid was afterward accepted, and pursuant to the terms of the contract or bid, the contract price or bid amount may not be adjusted to reflect the imposition of the tax.

6. A provision that specifies the date on which the tax must first be imposed, which must not be earlier than the first day of the second calendar month following the effective date of the ordinance.

Sec. 16. An ordinance amending an ordinance enacted pursuant to this act, except an ordinance authorizing the issuance of bonds or other securities, must include a provision in substance that the Board shall amend a contract made pursuant to subsection 4 of section 15 of this act by a contract made between the Board and the Department before the effective date of the amendatory ordinance, unless the Board determines with the written concurrence of the Department that no such amendment of the contract is needed.

Sec. 17. 1. The proceeds received from any sales and use tax imposed pursuant to this act must be expended in each of the areas to which those proceeds are allocated for expenditure pursuant to section 14 of this act in such a manner that half of those proceeds are expended for the support of the services provided by local fire departments in that area and the remaining half of those proceeds are expended for the support of the services provided by the Sheriff in that area.

2. No expenditure of those proceeds may be made unless the expenditure has been approved by the governing body of the area to which those proceeds have been allocated for expenditure. The governing body must approve the expenditure of the proceeds if it determines that:

(a) The proposed use of the money conforms to all provisions of this act; and

(b) The proposed use will not replace or supplant existing funding for the purposes set forth in subsection 1 of section 14 of this act for the support of the services provided by local fire departments and the Sheriff in that area.

3. In determining whether a proposed use meets the requirement set forth in paragraph (b) of subsection 2, the governing body shall determine whether the amount approved for expenditure for the fiscal year for the purposes set forth in subsection 1 of section 14 of this act for the support of the services of local fire departments and the Sheriff in that area, not including any money received or expended pursuant to this act, is equal to or greater than the amount approved for expenditure in the immediately preceding fiscal year for the purposes set forth in subsection 1 of section 14 of this act for the support of the services of local fire departments and the Sheriff in that area.

Sec. 17.5. Any governing body of an area that has approved expenditures pursuant to section 17 of this act shall, on or before September 1 of each year, submit a detailed description of the use of the money, including, without limitation, a detailed analysis of the manner in which each expenditure:

1. Conforms to all provisions of this act; and

2. Does not replace or supplant funding which existed before October 1, 2007, for the purposes set forth in subsection 1 of section 14 of this act for the support of the services provided by local fire departments and the Sheriff in that area,

➡ to the Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature.

Sec. 18. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the County pursuant to this act must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:

(a) Transfer from the Sales and Use Tax Account to the appropriate account in the State General Fund a percentage of all fees, taxes, interest and penalties collected pursuant to this act during the preceding month as compensation to the State for the cost of collecting the tax. The percentage to be transferred pursuant to this paragraph must be the same percentage as the percentage of proceeds transferred pursuant to paragraph (a) of subsection 3 of NRS 374.785, but the percentage must be applied to the proceeds collected pursuant to this act only.

(b) Determine the amount equal to all fees, taxes, interest and penalties collected in or for the County pursuant to this act during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).

(c) Transfer the amount determined pursuant to paragraph (b) to the Intergovernmental Fund and remit the money to the County Treasurer.

Sec. 19. The Department may redistribute any proceeds from the taxes, interest or penalties collected pursuant to this act which is determined to be improperly distributed, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.

Sec. 20. 1. The County Treasurer shall:

(a) Deposit money received from the State Controller pursuant to paragraph (c) of subsection 3 of section 18 of this act into the County Treasury for credit to a special revenue fund created for the use of the proceeds from the tax authorized by this act; and

(b) Allocate that money into separate accounts within that fund as appropriate to carry out the provisions of paragraph (a) of subsection 3 of section 14 of this act.

2. The special revenue fund of the County created for the use of the proceeds from the tax authorized by this act must be accounted for as a separate fund and not as a part of any other fund.

3. Interest earned on the special revenue fund created pursuant to subsection 1 must be credited to the fund. The money in each such fund must remain in the fund and must not revert to the County Treasury at the end of any fiscal year.

Sec. 21. In a proceeding arising from an ordinance imposing a tax pursuant to this act, the Department may act for and on behalf of the County.

Sec. 22. 1. The powers conferred by this act are in addition and supplemental to, and not in substitution for, the powers conferred by any other law and the limitations imposed by this act do not affect the powers conferred by any other law.

2. This act must not be construed to prevent the exercise of any power granted by any other law to the County or any officer, agent or employee of the County.

3. This act must not be construed to repeal or otherwise affect any other law or part thereof.

4. This act is intended to provide a separate method of accomplishing the objectives of the act, but not an exclusive method.

5. If any provision of this act, or application thereof to any person, thing or circumstance, is held invalid, the invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

~~{Sec. 3.}~~ *Sec. 23.* ~~{This act becomes effective on October 1, 2007, and expires by limitation on October 1, 2025.}~~ 1. This section and sections 3 to 22, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2007, for all other purposes.

2. Sections 1 and 2 of this act become effective on October 1, 2007, and expire by limitation on October 1, 2025.

3. Sections 3 to 22, inclusive, of this act expire by limitation on October 1, 2027.

Assemblywoman McClain moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 461.

Remarks by Assemblywoman McClain.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

The following Senate amendment was read:

Amendment No. 994.

AN ACT relating to the taxation of property; revising the provisions governing certain exemptions from taxes and appeals by taxpayers; revising certain requirements for the assessment of common-interest communities; revising the provisions governing the calculation of certain partial abatements of taxes and the collection of taxes following certain fluctuations in taxable value; requiring the Committee on Local Government Finance to adopt regulations for the allocation of certain reductions in revenue resulting from the partial abatement of taxes; providing limitations upon certain requests for the waiver of interest and penalties imposed for the late payment of taxes; ~~repealing~~ **postponing** the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county assessor to provide certain information regarding property taxes on the Internet. (NRS 361.0445) Section 1 of this bill authorizes a county assessor to disseminate, by additional means, certain information to the public concerning the taxation of property.

Existing law provides an exemption from property taxes for any value added to the assessed value of a building by certain qualified systems that provide heating, cooling or electricity. (NRS 361.079) Section 2 of this bill simplifies the administration of this exemption by removing any calculation of the value of such a qualified system from the determination of the assessed value of a building to which the exemption applies.

Existing law provides partial exemptions from property taxes for the property of surviving spouses, blind persons, veterans, disabled veterans and certain veterans' organizations, and provides for annual increases in those exemptions beginning with the 2006-2007 Fiscal Year based upon the increase in the Consumer Price Index from July 2004. (NRS 361.080, 361.085, 361.090, 361.091, 361.095) Sections 3-7 of this bill provide for the commencement of those annual increases during the 2005-2006 Fiscal Year based upon the increase in the Consumer Price Index from July 2003.

Section 7.5 of this bill provides an exemption from property taxes for certain property held by the Archaeological Conservancy.

Section 8 of this bill repeals a \$5,000 limitation on the amount of an exemption from property taxes applicable to the funds, furniture, paraphernalia and regalia of certain lodges and other charitable organizations. (NRS 361.135)

Existing law requires the filing of claims for personal tax exemptions on real property, and the initial claim of an organization for a tax exemption on real property, to be filed on or before June 15. (NRS 361.155) Section 9 of this bill extends that deadline to July 5 for real property acquired after June 15 and before July 1.

Existing law provides for the assessment of property taxes for a common-interest community on the community units and not on the common elements of the community. (NRS 361.233) Section 10 of this bill specifies the methodology for determining the taxable value of a parcel that includes such a community unit and clarifies the definitions of “community unit” and “common elements” for this purpose.

Existing law allows taxpayers to appeal the amount of certain assessments of their property to the State Board of Equalization. (NRS 361.360) Section 11 of this bill limits the effect of a change in assessment resulting from such an appeal to the fiscal year for which the assessment was made.

~~¶ Under existing law, a property owner may protest the payment of taxes claimed to be in excess of the amount justly due and, if the State Board of Equalization denies relief, commence a legal proceeding in any county of this State to recover any overpayment. (NRS 361.420) Existing law authorizes a property owner to consolidate similar suits regarding property in more than one county into a single legal action. (NRS 361.435) Sections 12 and 13 of this bill clarify that these proceedings consist of a judicial review of the decision of the State Board of Equalization and limit the locations where these proceedings may be brought.]~~

Existing law provides for a generally applicable partial abatement of the property taxes levied on property for which an assessed valuation has previously been established or on a remainder parcel of property, based upon the average change in the assessed valuation of property in the county over the last 10 years or twice the increase in the Consumer Price Index for the last year, whichever is greater. (NRS 361.4722) Section 15 of this bill ensures that this partial abatement cannot be less than zero nor greater than 8 percent.

Existing law exempts from certain partial abatements of property taxes certain increases in the taxable value of property following large fluctuations in that value and requires the collection of the resulting taxes due over a period of 3 years. (NRS 361.4725) Section 19 of this bill allows the collection of the amount due in a single year if that amount does not exceed \$100 and authorizes the Nevada Tax Commission to exempt from collection any amount which is less than the cost of collection.

Existing law provides formulas for the allocation of reductions in revenue resulting from certain partial abatements of property taxes applicable to property for which the tax rate increases and authorizes the Committee on Local Government Finance to adopt regulations for the administration and interpretation of those formulas. (NRS 361.473, 361.4731, 361.4733) Section 23 of this bill requires the Committee to adopt such regulations as it determines to be appropriate, in accordance with certain specified principles, for the allocation of reductions in revenue resulting from those partial abatements of property taxes. Section 29 of this bill ratifies the regulations previously adopted by the Committee and requires the adoption of additional

regulations not later than December 31, 2007. Section 28 of this bill repeals the existing formulas after the adoption of the additional regulations.

Existing law allows a taxpayer to petition the tax receiver for the review of a determination regarding the applicability of certain partial abatements from property taxes. (NRS 361.4734) Section 25 of this bill requires the submission of the petition on or before January 15 of the fiscal year for which the determination is effective.

Existing law authorizes a county treasurer or county assessor to waive all or part of the interest or penalty due from a person who fails to make a timely payment of property taxes as a result of circumstances beyond his control and who files a statement setting forth the facts of his claim. (NRS 361.4835) Section 26 of this bill requires a person seeking such relief to pay the amount of the taxes due and file the statement within 30 days after that payment is made.

Under existing law, 2 percent of the property taxes collected for each county on personal property and the net proceeds of mines must be deposited into an account for the acquisition and improvement of technology in the office of the county assessor. (NRS 361.530, 362.170) ~~{Sections 27 and 28}~~ **Section 27** of this bill ~~{provide}~~ **provides** for the continuation of this funding **during the next biennium** by ~~{repealing}~~ **postponing** its prospective expiration ~~{on July 1, 2007.}~~ **until June 30, 2009.**

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county assessor may, by regular mail, electronic means or any other means the assessor deems appropriate, disseminate information to the public concerning the taxation of property, including, without limitation, information relating to the valuation and assessment of property, exemptions from taxation, the declaration of a homestead and programs for the assistance of senior citizens.

2. Any information provided pursuant to subsection 1 must, to the extent practicable, be in a form that is easily understood and readily accessible to the public.

Sec. 2. NRS 361.079 is hereby amended to read as follows:

361.079 1. Except as otherwise provided in subsection 2, ~~{for any assessment made on or after July 1, 1983, any value added by}~~ **the value of** a qualified system must ~~{be excluded from}~~ **not be included in** the assessed value of ~~{the building regardless of the date the system was installed.~~

~~2. Value}~~ **a building.**

2. Any value added by a qualified system must ~~{not be excluded from}~~ **be included in** the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial

building is receiving another abatement or exemption *pursuant to NRS 361.045 to 361.159, inclusive*, from the taxes imposed by this chapter.

3. As used in this section, “qualified system” means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:

- (a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;
- (b) Geothermal resources;
- (c) Energy derived from conversion of solid wastes; or
- (d) Waterpower,

↪ which conforms to standards established by regulation of the Department.

Sec. 3. NRS 361.080 is hereby amended to read as follows:

361.080 1. The property of surviving spouses, not to exceed the amount of \$1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.

2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of this State and that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

6. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 4. NRS 361.085 is hereby amended to read as follows:

361.085 1. The property of all blind persons, not to exceed the amount of \$3,000 of assessed valuation, is exempt from taxation, including

community property to the extent only of the blind person's interest therein, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State on account of the same blind person.

2. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements for the exemption and that the exemption is not claimed in any other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

3. Upon first claiming the exemption in a county, the claimant shall furnish to the assessor a certificate of a licensed physician setting forth that he has examined the claimant and has found him to be a blind person.

4. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

5. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

6. As used in this section, "blind person" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

Sec. 5. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of \$2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,
➡ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first \$2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,
➡ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 6. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a disabled veteran's exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first \$20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of \$15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of \$10,000 assessed value.

➤ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➤ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➡ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

10. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7. NRS 361.095 is hereby amended to read as follows:

361.095 1. The funds, furniture, paraphernalia and regalia owned and used exclusively by any post of any national organization of ex-servicemen or ex-servicewomen for the legitimate purposes and customary objects of such posts are exempt from taxation, but such an exemption must not exceed

the sum of \$10,000 assessed valuation to any one post or organization thereof.

2. The buildings, with their fixtures and the lots of ground on which they stand, used for its legitimate purposes and necessary thereto, of any such organization are exempt from taxation, but when any such property is used for purposes other than those of such an organization, and a rent or other valuable consideration is received for its use, the property so used must be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such an organization and partly for rental purposes, the area used for rental purposes must be assessed separately and that portion only may be taxed.

4. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7.5. NRS 361.111 is hereby amended to read as follows:

361.111 1. Except as otherwise provided in subsections 2 and 3, all real property and improvements thereon acquired by the ***Archaeological Conservancy***, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy and held for ultimate acquisition by the State or a local governmental unit are exempt from taxation if:

(a) The State or a local governmental unit has agreed, in writing, that acquisition of the property will be given serious consideration; and

(b) For property for which the State has given the statement required by paragraph (a), the governing body of the county in which the property is located has approved the potential acquisition of the property by the State.

2. When the ***Archaeological Conservancy***, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes of conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the property must be assessed at the rate set for first-class pasture by the Nevada Tax Commission for each year it was exempt pursuant to subsection 1 and the taxes must be collected as other taxes under this chapter are collected.

3. When the ***Archaeological Conservancy***, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes other than conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the tax imposed by this chapter must be assessed against the property for each year it was exempt pursuant to subsection 1 and collected in the manner provided in this chapter.

4. The Nevada Tax Commission shall adopt regulations specifying the criteria for determining when property has been held by the *Archaeological Conservancy*, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy for purposes of conservation.

Sec. 8. NRS 361.135 is hereby amended to read as follows:

361.135 1. The funds, furniture, paraphernalia and regalia owned by any lodge of the Benevolent Protective Order of Elks, Fraternal Order of Eagles, Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias or Knights of Columbus, or by any similar charitable organization, or by the Lahontan Audubon Society, the National Audubon Society, Inc., of New York, the Defenders of Wildlife of the District of Columbia or any similar benevolent or charitable society, so long as ~~the same shall be~~ **they are** used for the legitimate purposes of such lodge or society or for such charitable or benevolent purposes, ~~shall be~~ **are** exempt from taxation . ~~[-, but such exemption shall in no case exceed the sum of \$5,000 assessed valuation to any one lodge, society or organization.]~~

2. The real estate and fixtures of any such organization or society ~~shall be~~ **are** exempt from taxation, but when any such property is used for purposes other than those of such organization or society, and a rent or other valuable consideration is received for its use, the property so used ~~shall~~ **must** be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such organization or society and partly for rental purposes, the area used for rental purposes ~~shall~~ **must** be assessed separately and that portion only ~~shall~~ **may** be taxed.

Sec. 9. NRS 361.155 is hereby amended to read as follows:

361.155 1. ~~[-A-]~~ **Except as otherwise provided in this subsection, all** claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for Veterans' Homes pursuant to NRS 361.0905 must be filed on or before June 15. **An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.**

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

~~[-2-]~~ 3. Each claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions; or

(b) Each county in which property is located for the tax exemption of an organization.

~~[-3-]~~ 4. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file

annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

~~{4.}~~ 5. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection ~~{3.}~~ 4, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

Sec. 10. NRS 361.233 is hereby amended to read as follows:

361.233 1. Notwithstanding any other provision of law:

(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:

(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and

(2) Must not be assessed upon any common elements of the common-interest community.

(b) ~~Each community unit must be assessed separately for the purposes of ad valorem taxes and special assessments.~~

~~(c) Any lien created by the levy of an ad valorem tax or special assessment upon a community unit applies only to the community unit assessed and does not apply to any other portion of the common-interest community.~~ ***The taxable value of each parcel:***

(1) Composed solely of a community unit must consist of:

(I) The taxable value of that community unit; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community; or

(2) Composed of a community unit and any portion of the common elements of the common-interest community must consist of:

(I) The taxable value of that community unit only; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community.

2. ***The Nevada Tax Commission shall adopt such regulations as it determines to be appropriate to ensure that this section is carried out in a uniform and equal manner that does not result in the double taxation of any common elements of a common-interest community.***

3. For the purposes of this section:

(a) "Ad valorem tax" means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

(b) "Common elements" means ~~all real property within~~ ***the physical portion of*** a common-interest community ~~{other than the community units.}~~, ***including, without limitation, any landscaping, swimming pools, fitness***

centers, community centers, maintenance and service areas, parking areas, hallways, elevators and mechanical rooms, which is ~~owned~~:

(1) *Intended for the general benefit of and potential use by all the owners of the community units and their invitees; and*

(2) *Owned:*

(I) By the community association;

~~{(2)}~~ (II) By any person on behalf or for the benefit of the owners of the community units; or

~~{(3)}~~ (III) Jointly by the owners of the community units.

(c) "Common-interest community" means real property with respect to which a person, by virtue of his ownership of a community unit, is obligated to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, a condominium project governed by the provisions of chapter 117 of NRS and any time-share project, planned unit development or other real property which is organized as a common-interest community in this State.

(d) "Community association" means an association whose membership:

(1) Consists exclusively of the owners of the community units or their elected or appointed representatives; and

(2) Is a required condition of the ownership of a community unit.

(e) "Community unit" means a physical portion of a common-interest community ~~{designated}~~, *other than the common elements, which is:*

(1) *Designated* for separate ownership or occupancy ~~{}~~; and

(2) *Intended for:*

(I) *Residential use by the owner of that unit and his invitees; or*

(II) *Commercial use by the owner of that unit for the generation of revenue from any persons other than the owners of community units in that common-interest community and their invitees.*

(f) "Special assessment" means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

Sec. 11. NRS 361.360 is hereby amended to read as follows:

361.360 1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in

writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.

3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax revenues. One or more meetings may be held at any time and place in the State before October 1 to hear all other protests.

4. The State Board of Equalization may not reduce the assessment of the county assessor if:

(a) The appeal involves an assessment on property which the taxpayer has refused or, without good cause, has neglected to include in the list required of him pursuant to NRS 361.265 or *if the taxpayer* has refused or, without good cause, has neglected to provide the list to the county assessor; or

(b) The taxpayer has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination authorized by NRS 361.260.

5. *Any change made in an assessment appealed to the State Board of Equalization is effective only for the fiscal year for which the assessment was made.* The county assessor shall *review* each ~~{year review any}~~ *such* change ~~{made in an assessment for the previous fiscal year}~~ and maintain or remove the change as circumstances warrant ~~{-} for the next fiscal year.~~

6. If the State Board of Equalization determines that the record of a case on appeal from the county board of equalization is inadequate because of an act or omission of the county assessor, the district attorney or the county board of equalization, the State Board of Equalization may remand the case to the county board of equalization with directions to develop an adequate record within 30 days after the remand. The directions must indicate specifically the inadequacies to be remedied. If the State Board of Equalization determines that the record returned from the county board of equalization after remand is still inadequate, the State Board of Equalization may hold a hearing anew on the appellant's complaint or it may, if necessary, contract with an appropriate person to hear the matter, develop an adequate record in the case and submit recommendations to the State Board. The cost of the contract and all costs, including attorney's fees, to the State or the appellant necessary to remedy the inadequate record on appeal are a charge against the county.

Sec. 12. ~~{NRS 361.420 is hereby amended to read as follows:}~~

~~361.420 1. Any property owner whose taxes are in excess of the amount which the owner claims justly to be due may pay each installment of taxes as it becomes due under protest in writing. The protest must be in the~~

form of a separate, signed statement from the property owner and filed with the tax receiver at the time of the payment of the installment of taxes.

~~2. The property owner, having protested the payment of taxes as provided in subsection 1 and having been denied relief by the State Board of Equalization, may [commence a suit] file for the judicial review of the decision of the State Board of Equalization in any court of competent jurisdiction in the [State of Nevada] county in which the taxes were paid against the State and county in which the taxes were paid, and, in a proper case, both the Nevada Tax Commission and the Department may be joined as a defendant for a recovery of the difference between the amount of taxes paid and the amount which the owner claims justly to be due, and the owner may complain upon any of the grounds contained in subsection 4.~~

~~3. Every action commenced under the provisions of this section must be commenced within 3 months after the date of the payment of the last installment of taxes, and if not so commenced is forever barred. If the tax complained of is paid in full and under the written protest provided for in this section, at the time of the payment of the first installment of taxes, suit for the recovery of the difference between the amount paid and the amount claimed to be justly due must be commenced within 3 months after the date of the full payment of the tax or the issuance of the decision of the State Board of Equalization denying relief, whichever occurs later, and if not so commenced is forever barred.~~

~~4. In any suit brought under the provisions of this section, the person assessed may complain or defend upon any of the following grounds:~~

- ~~(a) That the taxes have been paid before the suit;~~
- ~~(b) That the property is exempt from taxation under the provisions of the revenue or tax laws of the State, specifying in detail the claim of exemption;~~
- ~~(c) That the person assessed was not the owner and had no right, title or interest in the property assessed at the time of assessment;~~
- ~~(d) That the property is situate in and has been assessed in another county, and the taxes thereon paid;~~
- ~~(e) That there was fraud in the assessment or that the assessment is out of proportion to and above the taxable cash value of the property assessed;~~
- ~~(f) That the assessment is out of proportion to and above the valuation fixed by the Nevada Tax Commission for the year in which the taxes were levied and the property assessed; or~~
- ~~(g) That the assessment complained of is discriminatory in that it is not in accordance with a uniform and equal rate of assessment and taxation, but is at a higher rate of the taxable value of the property so assessed than that at which the other property in the State is assessed.~~

~~5. In a suit based upon any one of the grounds mentioned in paragraphs (e), (f) and (g) of subsection 4, the court shall conduct the trial without a jury and confine its review to the record before the State Board of Equalization. Where procedural irregularities by the Board are alleged and are not shown in the record, the court may take evidence respecting the allegation and, upon~~

~~the request of either party, shall hear oral argument and receive written briefs on the matter.~~

~~6. In all cases mentioned in this section where the complaint is based upon any grounds mentioned in subsection 4, the entire assessment must not be declared void but is void only as to the excess in valuation.~~

~~7. In any judgment recovered by the taxpayer under this section, the court may provide for interest thereon not to exceed 6 percent per annum from and after the date of payment of the tax complained of.~~ (Deleted by amendment.)

Sec. 13. ~~[NRS 361.435 is hereby amended to read as follows:~~

~~361.435 Any property owner owning property of like kind in more than one county in the State and desiring to proceed with a suit under the provisions of NRS 361.420 may, where the issues in the cases are substantially the same in all or in some of the counties concerning the assessment of taxes on such property, consolidate any of the suits in one action and bring the action in any court of competent jurisdiction in [Carson City,] the county of this State where the property owner resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the Department.] (Deleted by amendment.)~~

Sec. 14. NRS 361.471 is hereby amended to read as follows:

361.471 As used in NRS 361.471 to 361.4735, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~{361.4711 to 361.4721, inclusive,}~~ **361.4712, 361.4715 and 361.4721** have the meanings ascribed to them in those sections.

Sec. 15. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~lesser~~ **greater** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~for~~

(II) ~~Eight percent; or~~

~~(2)~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~for~~; **or**

(III) Zero; or

(2) Eight percent,

↪ whichever is ~~greater~~ **less**.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~lesser~~ **greater** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~for~~

(II) ~~Eight percent; or~~

~~(2)~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~for~~; **or**

(III) Zero; or

(2) Eight percent,

↪ whichever is ~~greater~~ **less**.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.473 to 361.4733, inclusive, and any regulations adopted pursuant thereto, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~for~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder", "remainder~~ **parcel of real property"** means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.~~

Sec. 16. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property

entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~lesser~~ **greater** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~or~~

(II) ~~Eight percent; or~~

~~(2)~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~1~~; **or**

(III) Zero; or

(2) Eight percent,

↪ whichever is ~~greater~~ **less**.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year

if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~lesser~~ **greater** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~or~~

(II) ~~Eight percent; or~~

~~(2)~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~[-]~~; **or**

(III) Zero; or

(2) Eight percent,

↪ whichever is ~~greater~~ **less**.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive]~~ **361.4732** and any regulations adopted pursuant ~~[thereto]~~ **to NRS 361.4733**, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in

the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~±~~:

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder"~~, **"remainder"** parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~[(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 17. NRS 361.4723 is hereby amended to read as follows:

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ **361.4732** and any regulations adopted pursuant ~~[thereto,]~~ **to NRS 361.4733**, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) ~~["Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.]~~

~~(b)}~~ "Primary residence of the owner" means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

~~{(c)}~~ **(b)** "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

~~{(d)}~~ ~~"Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.~~

~~(e)}~~ **(c)** "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

→ if classified as personal property for the purposes of this chapter.

~~{{f}}~~ (d) "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

Sec. 18. NRS 361.4724 is hereby amended to read as follows:

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

→ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ **361.4732** and any regulations adopted pursuant ~~[thereto,]~~ **to NRS 361.4733**, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

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

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 19. NRS 361.4725 is hereby amended to read as follows:

361.4725 1. ~~[Notwithstanding]~~ **Except as otherwise provided in this section and notwithstanding** the provisions of NRS 361.4722, 361.4723 and 361.4724, if the taxable value of any parcel or other taxable unit of property:

(a) Decreases by 15 percent or more from its taxable value on:

(1) July 1, 2003; or

(2) July 1 of the second year immediately preceding the lien date for the current year,

↪ whichever is later; and

(b) For any fiscal year beginning on or after July 1, 2005, increases by 15 percent or more from its taxable value for the immediately preceding fiscal year,

↪ the amount of any ad valorem taxes levied in a county which, if not for the provisions of NRS 361.4722, 361.4723 and 361.4724, would otherwise have been collected for the property for that fiscal year as a result of that increase in taxable value, excluding any amount attributable to any increase in the taxable value of the property above the taxable value of the property on the most recent date determined pursuant to paragraph (a), must be levied on the property and carried forward each fiscal year, without any penalty or interest, in such a manner that one-third of that amount may be collected during that fiscal year and each of the succeeding 2 fiscal years.

2. *If the total amount otherwise required to be collected during a fiscal year and each of the succeeding 2 fiscal years pursuant to subsection 1 for a parcel or other taxable unit of property is less than or equal to \$100, the entire amount may be levied on the property and collected during that initial fiscal year.*

3. *The Nevada Tax Commission may exempt from the requirements of this section the levy of any taxes in an amount which is less than the cost of collecting those taxes.*

4. The amount of any taxes ~~{which are carried forward and}~~ levied on any property pursuant to this section must be added to the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for a fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

~~{3.}~~ 5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

~~{4. For the purposes of this section:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.~~

Sec. 20. NRS 361.473 is hereby amended to read as follows:

361.473 *Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:*

1. On or before August 1 of each fiscal year, the tax receiver of each county shall determine for each parcel or other taxable unit of property located in that county, other than any property to which subsection 2 or NRS 361.4731 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

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

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

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

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323, other than any property to which NRS 361.4731 applies, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724 and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

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

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

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

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is determined pursuant to subsection 1 or 2 must be deducted from the amount of ad valorem taxes that each taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year.

Sec. 21. NRS 361.4731 is hereby amended to read as follows:

361.4731 ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:***

1. On or before August 1 of each fiscal year, the tax receiver of each county in which is located a redevelopment area for which there is any incremental assessed value shall determine for each parcel or other taxable unit of property in that redevelopment area, other than any property to which subsection 2 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

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

(I) Zero; or

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

(b) The amount which equals the difference between:

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

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323 and apportioned to a redevelopment area for which there is any incremental assessed value, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

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

(I) Zero; or

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

(b) The amount which equals the difference between:

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

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 or 361.4724 which is determined pursuant to:

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

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

Sec. 22. NRS 361.4732 is hereby amended to read as follows:

361.4732 ~~[Notwithstanding]~~ ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733 and notwithstanding*** any other provision of NRS 361.471 to 361.4735, inclusive, to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:

1. The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724 with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of NRS 361.471 to 361.4735, inclusive, the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping

tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.

Sec. 23. NRS 361.4733 is hereby amended to read as follows:

361.4733 1. The Committee on Local Government Finance ~~{may}~~ **shall** adopt:

(a) *Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:*

(1) *Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;*

(2) *Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and*

(3) *A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and*

(b) *Subject to the principles set forth in paragraph (a):*

(1) *Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS 361.473, 361.4731 and 361.4732; and*

~~{(b)}~~ (2) *Regulations which provide, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732, methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.*

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

Sec. 24. NRS 361.4733 is hereby amended to read as follows:

361.4733 1. The Committee on Local Government Finance ~~[may]~~ **shall** adopt:

(a) *Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:*

(1) Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;

(2) Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and

(3) A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and

(b) Subject to the principles set forth in paragraph (a):

(1) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS ~~361.473, 361.4731 and~~ 361.4732; and

~~[(b)]~~ *(2) Regulations which provide ~~[, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732,]~~ methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.*

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

Sec. 25. NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the tax receiver of the county in which the property is located. ***The petition must be submitted on or before January 15 of the fiscal year for which the determination is effective.*** The tax receiver shall, after consulting with the county assessor of that county regarding the determination and within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a tax receiver or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

Sec. 26. NRS 361.4835 is hereby amended to read as follows:

361.4835 1. If the county treasurer or the county assessor finds that a person's failure to make a timely return or payment of tax that is assessed by the county treasurer or county assessor and that is imposed pursuant to chapter 361 of NRS, except NRS 361.320, is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the county treasurer or the county assessor may relieve him of all or part of any interest or penalty, or both.

2. A person seeking this relief must ***pay the amount of the tax due and, within 30 days after the date the payment is made,*** file a statement setting forth the facts upon which he bases his claim with the county treasurer or the county assessor.

3. The county treasurer or the county assessor shall disclose, upon the request of any person:

- (a) The name of the person; and
- (b) The amount of the relief.

4. If the relief sought by the taxpayer is denied, he may appeal from the denial to the Nevada Tax Commission.

5. The county treasurer or the county assessor may defer the decision to the Department.

Sec. 27. Section 57 of chapter 496, Statutes of Nevada 2005, at page 2680, is hereby amended to read as follows:

Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

4. Section 23 of this act becomes effective on July 1, ~~{2007.}~~ 2009.

5. Section 43 of this act expires by limitation on June 30, ~~{2007.}~~ 2009.

Sec. 28. ~~{1.}~~ NRS 361.4711, 361.4713, 361.4714, 361.4716, 361.4717, 361.4718, 361.4719, 361.472, 361.473 and 361.4731 are hereby repealed.

~~{ 2. Section 23 of chapter 496, Statutes of Nevada 2005, at page 2660, is hereby repealed. }~~

Sec. 29. 1. The Legislature hereby approves, confirms and ratifies the regulations adopted by the Committee on Local Government Finance pursuant to NRS 361.4733 before the effective date of this section.

2. The Committee on Local Government Finance shall adopt the regulations required pursuant to the amendatory provisions of section 23 of this act not later than December 31, 2007.

Sec. 30. 1. This section and ~~{section 27, subsection 2 of section 28 and section 29}~~ sections 27 and 29 of this act become effective upon passage and approval.

2. Sections 1 to 13, inclusive, 15, 19 to 23, inclusive, 25 and 26 of this act become effective on July 1, 2007.

3. Sections 15 and 23 of this act expire by limitation on December 31, 2007.

4. Sections 14, 16, 17, 18 ~~{and 24 and subsection 1 of section}~~ , 24 and 28 of this act become effective on January 1, 2008.

~~LEADLINES OF REPEALED SECTIONS {OF NRS AND
TEXT OF REPEALED SECTION OF STATUTES OF NEVADA}~~

361.4711 "Abatement percentage" defined.

361.4713 "Base-year assessed value" defined.

361.4714 "Base-year assessed value percentage" defined.

361.4716 "Incremental assessed value" defined.

361.4717 "Parcel-proportionate share of the base value" defined.

361.4718 "Redevelopment agency" defined.

361.4719 "Redevelopment area" defined.

361.472 "Redevelopment taxing entity" defined.

361.473 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Generally.

361.4731 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Property in or apportioned to redevelopment area.

~~{ Section 23 of chapter 496, Statutes of Nevada 2005:~~

~~Sec. 23. NRS 361.530 is hereby amended to read as follows:~~

~~361.530 [1. Except as otherwise provided in this section, on] On all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of [8] 6 percent on the gross amount of collections from personal property tax.~~

~~[2. One quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.]~~

Assemblywoman McClain moved that the Assembly concur in the Senate Amendment No. 994 to Assembly Bill No. 209.

Remarks by Assemblywoman McClain.

Motion carried.

The following Senate amendment was read:

Amendment No. 997.

AN ACT relating to the taxation of property; revising the provisions governing certain exemptions from taxes and appeals by taxpayers; revising certain requirements for the assessment of common-interest communities; revising the provisions governing the calculation of certain partial abatements of taxes and the collection of taxes following certain fluctuations in taxable value; requiring the Committee on Local Government Finance to adopt regulations for the allocation of certain reductions in revenue resulting from the partial abatement of taxes; providing limitations upon certain requests for the waiver of interest and penalties imposed for the late payment of taxes; repealing the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each county assessor to provide certain information regarding property taxes on the Internet. (NRS 361.0445) Section 1 of this bill authorizes a county assessor to disseminate, by additional means, certain information to the public concerning the taxation of property.

Existing law provides an exemption from property taxes for any value added to the assessed value of a building by certain qualified systems that provide heating, cooling or electricity. (NRS 361.079) Section 2 of this bill simplifies the administration of this exemption by removing any calculation of the value of such a qualified system from the determination of the assessed value of a building to which the exemption applies.

Existing law provides partial exemptions from property taxes for the property of surviving spouses, blind persons, veterans, disabled veterans and certain veterans' organizations, and provides for annual increases in those exemptions beginning with the 2006-2007 Fiscal Year based upon the increase in the Consumer Price Index from July 2004. (NRS 361.080,

361.085, 361.090, 361.091, 361.095) Sections ~~3-7~~ **3 and 4-7** of this bill provide for the commencement of those annual increases during the 2005-2006 Fiscal Year based upon the increase in the Consumer Price Index from July 2003.

Section 7.5 of this bill provides an exemption from property taxes for certain property held by the Archaeological Conservancy.

Section 8 of this bill repeals a \$5,000 limitation on the amount of an exemption from property taxes applicable to the funds, furniture, paraphernalia and regalia of certain lodges and other charitable organizations. (NRS 361.135)

Existing law requires the filing of claims for personal tax exemptions on real property, and the initial claim of an organization for a tax exemption on real property, to be filed on or before June 15. (NRS 361.155) Section 9 of this bill extends that deadline to July 5 for real property acquired after June 15 and before July 1. **Section 9 also provides for the filing of a late claim of exemption with, and for the appeal of the denial of a claim of exemption to, the county board of equalization.**

Existing law provides for the assessment of property taxes for a common-interest community on the community units and not on the common elements of the community. (NRS 361.233) Section 10 of this bill specifies the methodology for determining the taxable value of a parcel that includes such a community unit and clarifies the definitions of “community unit” and “common elements” for this purpose.

Existing law allows taxpayers to appeal the amount of certain assessments of their property to the State Board of Equalization. (NRS 361.360) Section 11 of this bill limits the effect of a change in assessment resulting from such an appeal to the fiscal year for which the assessment was made.

Under existing law, a property owner may protest the payment of taxes claimed to be in excess of the amount justly due and, if the State Board of Equalization denies relief, commence a legal proceeding in any county of this State to recover any overpayment. (NRS 361.420) Existing law authorizes a property owner to consolidate similar suits regarding property in more than one county into a single legal action. (NRS 361.435) Sections 12 and 13 of this bill clarify that these proceedings consist of a judicial review of the decision of the State Board of Equalization and limit the locations where these proceedings may be brought.

Existing law provides for a generally applicable partial abatement of the property taxes levied on property for which an assessed valuation has previously been established or on a remainder parcel of property, based upon the average change in the assessed valuation of property in the county over the last 10 years or twice the increase in the Consumer Price Index for the last year, whichever is greater. (NRS 361.4722) Section 15 of this bill ensures that this partial abatement cannot be less than zero nor greater than 8 percent.

Existing law exempts from certain partial abatements of property taxes certain increases in the taxable value of property following large fluctuations in that value and requires the collection of the resulting taxes due over a period of 3 years. (NRS 361.4725) Section 19 of this bill allows the collection of the amount due in a single year if that amount does not exceed \$100 and authorizes the Nevada Tax Commission to exempt from collection any amount which is less than the cost of collection.

Existing law provides formulas for the allocation of reductions in revenue resulting from certain partial abatements of property taxes applicable to property for which the tax rate increases and authorizes the Committee on Local Government Finance to adopt regulations for the administration and interpretation of those formulas. (NRS 361.473, 361.4731, 361.4733) Section 23 of this bill requires the Committee to adopt such regulations as it determines to be appropriate, in accordance with certain specified principles, for the allocation of reductions in revenue resulting from those partial abatements of property taxes. Section 29 of this bill ratifies the regulations previously adopted by the Committee and requires the adoption of additional regulations not later than December 31, 2007. Section 28 of this bill repeals the existing formulas after the adoption of the additional regulations.

Existing law allows a taxpayer to petition the tax receiver for the review of a determination regarding the applicability of certain partial abatements from property taxes. (NRS 361.4734) Section 25 of this bill requires the submission of the petition on or before January 15 of the fiscal year for which the determination is effective.

Existing law authorizes a county treasurer or county assessor to waive all or part of the interest or penalty due from a person who fails to make a timely payment of property taxes as a result of circumstances beyond his control and who files a statement setting forth the facts of his claim. (NRS 361.4835) Section 26 of this bill requires a person seeking such relief to pay the amount of the taxes due and file the statement within 30 days after that payment is made.

Under existing law, 2 percent of the property taxes collected for each county on personal property and the net proceeds of mines must be deposited into an account for the acquisition and improvement of technology in the office of the county assessor. (NRS 361.530, 362.170) Sections 27 and 28 of this bill provide for the continuation of this funding by repealing its prospective expiration on July 1, 2007.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county assessor may, by regular mail, electronic means or any other means the assessor deems appropriate, disseminate information to the public concerning the taxation of property, including, without

limitation, information relating to the valuation and assessment of property, exemptions from taxation, the declaration of a homestead and programs for the assistance of senior citizens.

2. Any information provided pursuant to subsection 1 must, to the extent practicable, be in a form that is easily understood and readily accessible to the public.

Sec. 2. NRS 361.079 is hereby amended to read as follows:

361.079 1. Except as otherwise provided in subsection 2, ~~{for any assessment made on or after July 1, 1983, any value added by}~~ **the value of** a qualified system must ~~{be excluded from}~~ **not be included in** the assessed value of ~~{the building regardless of the date the system was installed.~~

~~2. Value}~~ **a building.**

2. Any value added by a qualified system must ~~{not be excluded from}~~ **be included in** the assessed value of a commercial or industrial building during any period in which the business that owns the commercial or industrial building is receiving another abatement or exemption **pursuant to NRS 361.045 to 361.159, inclusive,** from the taxes imposed by this chapter.

3. As used in this section, "qualified system" means any system, method, construction, installation, machinery, equipment, device or appliance which is designed, constructed or installed in a residential, commercial or industrial building to heat or cool the building or water used in the building, or to provide electricity used in the building, by using:

- (a) Energy from the wind or from solar devices not thermally insulated from the area where the energy is used;
- (b) Geothermal resources;
- (c) Energy derived from conversion of solid wastes; or
- (d) Waterpower,

↪ which conforms to standards established by regulation of the Department.

Sec. 3. NRS 361.080 is hereby amended to read as follows:

361.080 1. The property of surviving spouses, not to exceed the amount of \$1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.

2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of this State and that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

6. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 3.5. NRS 361.082 is hereby amended to read as follows:

361.082 1. That portion of real property and tangible personal property which is used for housing and related facilities for persons with low incomes is exempt from taxation if the portion of property qualifies as a low-income unit and is part of a qualified low-income housing project that is funded in part by federal money appropriated pursuant to 42 U.S.C. §§ 12701 et seq. for the year in which the exemption applies.

2. The portion of a qualified low-income housing project that is entitled to the property tax exemption pursuant to subsection 1 must be determined by dividing the total assessed value of the housing project and the land upon which it is situated into the assessed value of the low-income units and related facilities that are occupied by or used exclusively for persons with low incomes.

3. The Nevada Tax Commission shall, by regulation, prescribe a form for an application for the exemption described in subsection 1. After an original application is filed, the county assessor of the county in which the housing project is located may mail a form for the renewal of the exemption to the owner of the housing project each year following a year in which the exemption was allowed for that project.

4. A renewal form returned to a county assessor must indicate the total number of units in the housing project and the number of units used for housing and related facilities for persons with low incomes. If the owner of a housing project fails to provide a properly completed renewal form to the county assessor of the county in which the project is located by the date required in NRS 361.155, **except as otherwise provided in subsection 6 of that section,** or fails to qualify for the exemption described in subsection 1, he is not entitled to the exemption in the following fiscal year.

5. As used in this section, the terms “low-income unit” and “qualified low-income housing project” have the meanings ascribed to them in 26 U.S.C. § 42.

Sec. 4. NRS 361.085 is hereby amended to read as follows:

361.085 1. The property of all blind persons, not to exceed the amount of \$3,000 of assessed valuation, is exempt from taxation, including community property to the extent only of the blind person's interest therein, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State on account of the same blind person.

2. The person claiming such an exemption must file with the county assessor an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements for the exemption and that the exemption is not claimed in any other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

3. Upon first claiming the exemption in a county, the claimant shall furnish to the assessor a certificate of a licensed physician setting forth that he has examined the claimant and has found him to be a blind person.

4. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

5. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

6. As used in this section, "blind person" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

Sec. 5. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of \$2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty, ➡ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first \$2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145, ➡ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 6. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his surviving spouse, is entitled to a disabled veteran's exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first \$20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of \$15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of \$10,000 assessed value.

➤ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that he meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➤ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➡ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

10. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7. NRS 361.095 is hereby amended to read as follows:

361.095 1. The funds, furniture, paraphernalia and regalia owned and used exclusively by any post of any national organization of ex-servicemen or ex-servicewomen for the legitimate purposes and customary objects of such posts are exempt from taxation, but such an exemption must not exceed

the sum of \$10,000 assessed valuation to any one post or organization thereof.

2. The buildings, with their fixtures and the lots of ground on which they stand, used for its legitimate purposes and necessary thereto, of any such organization are exempt from taxation, but when any such property is used for purposes other than those of such an organization, and a rent or other valuable consideration is received for its use, the property so used must be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such an organization and partly for rental purposes, the area used for rental purposes must be assessed separately and that portion only may be taxed.

4. Beginning with the ~~{2006-2007}~~ **2005-2006** Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July ~~{2004}~~ **2003** to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 7.5. NRS 361.111 is hereby amended to read as follows:

361.111 1. Except as otherwise provided in subsections 2 and 3, all real property and improvements thereon acquired by the ***Archaeological Conservancy***, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy and held for ultimate acquisition by the State or a local governmental unit are exempt from taxation if:

(a) The State or a local governmental unit has agreed, in writing, that acquisition of the property will be given serious consideration; and

(b) For property for which the State has given the statement required by paragraph (a), the governing body of the county in which the property is located has approved the potential acquisition of the property by the State.

2. When the ***Archaeological Conservancy***, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes of conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the property must be assessed at the rate set for first-class pasture by the Nevada Tax Commission for each year it was exempt pursuant to subsection 1 and the taxes must be collected as other taxes under this chapter are collected.

3. When the ***Archaeological Conservancy***, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy transfers property it has held for purposes other than conservation to any person, partnership, association, corporation or entity other than the State or a local governmental unit, the tax imposed by this chapter must be assessed against the property for each year it was exempt pursuant to subsection 1 and collected in the manner provided in this chapter.

4. The Nevada Tax Commission shall adopt regulations specifying the criteria for determining when property has been held by the ***Archaeological Conservancy***, Nature Conservancy, American Land Conservancy or Nevada Land Conservancy for purposes of conservation.

Sec. 8. NRS 361.135 is hereby amended to read as follows:

361.135 1. The funds, furniture, paraphernalia and regalia owned by any lodge of the Benevolent Protective Order of Elks, Fraternal Order of Eagles, Free and Accepted Masons, Independent Order of Odd Fellows, Knights of Pythias or Knights of Columbus, or by any similar charitable organization, or by the Lahontan Audubon Society, the National Audubon Society, Inc., of New York, the Defenders of Wildlife of the District of Columbia or any similar benevolent or charitable society, so long as ~~the same shall be~~ **they are** used for the legitimate purposes of such lodge or society or for such charitable or benevolent purposes, ~~shall be~~ **are** exempt from taxation . ~~[, but such exemption shall in no case exceed the sum of \$5,000 assessed valuation to any one lodge, society or organization.]~~

2. The real estate and fixtures of any such organization or society ~~shall be~~ **are** exempt from taxation, but when any such property is used for purposes other than those of such organization or society, and a rent or other valuable consideration is received for its use, the property so used ~~shall~~ **must** be taxed.

3. Where any structure or parcel of land is used partly for the purposes of such organization or society and partly for rental purposes, the area used for rental purposes ~~shall~~ **must** be assessed separately and that portion only ~~shall~~ **may** be taxed.

Sec. 9. NRS 361.155 is hereby amended to read as follows:

361.155 1. ~~[All]~~ ***Except as otherwise provided in this section, all*** ~~subsection, all~~ ***section:***

(a) All claims for personal tax exemptions on real property, the initial claim of an organization for a tax exemption on real property and the designation of any amount to be credited to the Gift Account for Veterans' Homes pursuant to NRS 361.0905 must be filed on or before June 15.

(b) An initial claim for a tax exemption on real property acquired after June 15 and before July 1 must be filed on or before July 5.

2. All exemptions provided for pursuant to this chapter apply on a fiscal year basis and any exemption granted pursuant to this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

~~[2.]~~ 3. ~~Each~~ ***Except as otherwise provided in this section, each*** claim for an exemption provided for pursuant to this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions;
or

(b) Each county in which property is located for the tax exemption of an organization.

~~{3.}~~ 4. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

~~{4.}~~ 5. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection ~~{3.}~~ 4, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years may be added.

6. If a claim for a tax exemption on real property and any required affidavit or other documentation in support of the claim is not filed within the time required by subsection 1, or if a claim for a tax exemption is denied by the county assessor, the person claiming the exemption may, on or before January 15 of the fiscal year for which the claim of exemption is made, file the claim and any required documentation in support of the claim with the county board of equalization of the county in which the claim is required to be filed pursuant to subsection 3. The county board of equalization shall review the claim of exemption and may grant or deny the claim for that fiscal year, as it determines to be appropriate. The State Board of Equalization shall establish procedures for:

(a) The review of a claim of exemption by a county board of equalization pursuant to this subsection; and

(b) The appeal to the State Board of Equalization of the denial of a claim of exemption by a county board of equalization pursuant to this subsection.

Sec. 10. NRS 361.233 is hereby amended to read as follows:

361.233 1. Notwithstanding any other provision of law:

(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:

(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and

(2) Must not be assessed upon any common elements of the common-interest community.

(b) ~~{Each community unit must be assessed separately for the purposes of ad valorem taxes and special assessments.~~

~~(c) Any lien created by the levy of an ad valorem tax or special assessment upon a community unit applies only to the community unit assessed and does not apply to any other portion of the common interest community.~~ ***The taxable value of each parcel:***

(I) Composed solely of a community unit must consist of:

(I) The taxable value of that community unit; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community; or

(2) *Composed of a community unit and any portion of the common elements of the common-interest community must consist of:*

(I) *The taxable value of that community unit only; and*

(II) *A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community.*

2. *The Nevada Tax Commission shall adopt such regulations as it determines to be appropriate to ensure that this section is carried out in a uniform and equal manner that does not result in the double taxation of any common elements of a common-interest community.*

3. For the purposes of this section:

(a) "Ad valorem tax" means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

(b) "Common elements" means ~~{all real property within}~~ ***the physical portion of*** a common-interest community ~~{other than the community units,}~~, ***including, without limitation, any landscaping, swimming pools, fitness centers, community centers, maintenance and service areas, parking areas, hallways, elevators and mechanical rooms,*** which is ~~{owned,}~~:

(1) *Intended for the general benefit of and potential use by all the owners of the community units and their invitees; and*

(2) *Owned:*

(I) By the community association;

~~{(2)}~~ (II) By any person on behalf or for the benefit of the owners of the community units; or

~~{(3)}~~ (III) Jointly by the owners of the community units.

(c) "Common-interest community" means real property with respect to which a person, by virtue of his ownership of a community unit, is obligated to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, a condominium project governed by the provisions of chapter 117 of NRS and any time-share project, planned unit development or other real property which is organized as a common-interest community in this State.

(d) "Community association" means an association whose membership:

(1) Consists exclusively of the owners of the community units or their elected or appointed representatives; and

(2) Is a required condition of the ownership of a community unit.

(e) "Community unit" means a physical portion of a common-interest community ~~{designated}~~, ***other than the common elements, which is:***

(1) *Designated* for separate ownership or occupancy ~~{-}~~; and

(2) *Intended for:*

(I) *Residential use by the owner of that unit and his invitees; or*

(II) *Commercial use by the owner of that unit for the generation of revenue from any persons other than the owners of community units in that common-interest community and their invitees.*

(f) "Special assessment" means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

Sec. 11. NRS 361.360 is hereby amended to read as follows:

361.360 1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.

3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax revenues. One or more meetings may be held at any time and place in the State before October 1 to hear all other protests.

4. The State Board of Equalization may not reduce the assessment of the county assessor if:

(a) The appeal involves an assessment on property which the taxpayer has refused or, without good cause, has neglected to include in the list required of him pursuant to NRS 361.265 or *if the taxpayer* has refused or, without good cause, has neglected to provide the list to the county assessor; or

(b) The taxpayer has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination authorized by NRS 361.260.

5. *Any change made in an assessment appealed to the State Board of Equalization is effective only for the fiscal year for which the assessment was made.* The county assessor shall *review* each ~~{year-review any}~~ *such* change ~~{made in an assessment for the previous fiscal year}~~ and maintain or remove the change as circumstances warrant ~~{ }~~ *for the next fiscal year.*

6. If the State Board of Equalization determines that the record of a case on appeal from the county board of equalization is inadequate because of an act or omission of the county assessor, the district attorney or the county board of equalization, the State Board of Equalization may remand the case

to the county board of equalization with directions to develop an adequate record within 30 days after the remand. The directions must indicate specifically the inadequacies to be remedied. If the State Board of Equalization determines that the record returned from the county board of equalization after remand is still inadequate, the State Board of Equalization may hold a hearing anew on the appellant's complaint or it may, if necessary, contract with an appropriate person to hear the matter, develop an adequate record in the case and submit recommendations to the State Board. The cost of the contract and all costs, including attorney's fees, to the State or the appellant necessary to remedy the inadequate record on appeal are a charge against the county.

Sec. 12. NRS 361.420 is hereby amended to read as follows:

361.420 1. Any property owner whose taxes are in excess of the amount which the owner claims justly to be due may pay each installment of taxes as it becomes due under protest in writing. The protest must be in the form of a separate, signed statement from the property owner and filed with the tax receiver at the time of the payment of the installment of taxes.

2. The property owner, having protested the payment of taxes as provided in subsection 1 and having been denied relief by the State Board of Equalization, may ~~commence a suit~~ **file for the judicial review of the decision of the State Board of Equalization** in any court of competent jurisdiction in the ~~State of Nevada~~ **county in which the taxes were paid** against the State and county in which the taxes were paid, and, in a proper case, both the Nevada Tax Commission and the Department may be joined as a defendant for a recovery of the difference between the amount of taxes paid and the amount which the owner claims justly to be due, and the owner may complain upon any of the grounds contained in subsection 4.

3. Every action commenced under the provisions of this section must be commenced within 3 months after the date of the payment of the last installment of taxes, and if not so commenced is forever barred. If the tax complained of is paid in full and under the written protest provided for in this section, at the time of the payment of the first installment of taxes, suit for the recovery of the difference between the amount paid and the amount claimed to be justly due must be commenced within 3 months after the date of the full payment of the tax or the issuance of the decision of the State Board of Equalization denying relief, whichever occurs later, and if not so commenced is forever barred.

4. In any suit brought under the provisions of this section, the person assessed may complain or defend upon any of the following grounds:

- (a) That the taxes have been paid before the suit;
- (b) That the property is exempt from taxation under the provisions of the revenue or tax laws of the State, specifying in detail the claim of exemption;
- (c) That the person assessed was not the owner and had no right, title or interest in the property assessed at the time of assessment;

(d) That the property is situate in and has been assessed in another county, and the taxes thereon paid;

(e) That there was fraud in the assessment or that the assessment is out of proportion to and above the taxable cash value of the property assessed;

(f) That the assessment is out of proportion to and above the valuation fixed by the Nevada Tax Commission for the year in which the taxes were levied and the property assessed; or

(g) That the assessment complained of is discriminatory in that it is not in accordance with a uniform and equal rate of assessment and taxation, but is at a higher rate of the taxable value of the property so assessed than that at which the other property in the State is assessed.

5. In a suit based upon any one of the grounds mentioned in paragraphs (e), (f) and (g) of subsection 4, the court shall conduct the trial without a jury and confine its review to the record before the State Board of Equalization. Where procedural irregularities by the Board are alleged and are not shown in the record, the court may take evidence respecting the allegation and, upon the request of either party, shall hear oral argument and receive written briefs on the matter.

6. In all cases mentioned in this section where the complaint is based upon any grounds mentioned in subsection 4, the entire assessment must not be declared void but is void only as to the excess in valuation.

7. In any judgment recovered by the taxpayer under this section, the court may provide for interest thereon not to exceed 6 percent per annum from and after the date of payment of the tax complained of.

Sec. 13. NRS 361.435 is hereby amended to read as follows:

361.435 Any property owner owning property of like kind in more than one county in the State and desiring to proceed with a suit under the provisions of NRS 361.420 may, where the issues in the cases are substantially the same in all or in some of the counties concerning the assessment of taxes on such property, consolidate any of the suits in one action and bring the action in any court of competent jurisdiction in ~~{Carson City,}~~ the county of this State where the property owner resides or maintains his principal place of business or a county in which any relevant proceedings were conducted by the Department.

Sec. 14. NRS 361.471 is hereby amended to read as follows:

361.471 As used in NRS 361.471 to 361.4735, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~{361.4711 to 361.4721, inclusive,}~~ **361.4712, 361.4715 and 361.4721** have the meanings ascribed to them in those sections.

Sec. 15. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to

a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~lesser~~ **greater** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~for~~

(II) ~~Eight percent; or~~

~~(2)~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~for~~; **or**

(III) Zero; or

(2) Eight percent,

↪ whichever is ~~greater~~ **less**.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~lesser~~ **greater** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~for~~

(II) ~~Eight percent; or~~

~~(2)~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~for~~; **or**

(III) Zero; or

(2) Eight percent,

↪ whichever is ~~greater~~ **less**.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.473 to 361.4733, inclusive, and any regulations adopted pursuant thereto, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~[-~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder" , "remainder~~ parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~{(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.}~~

Sec. 16. NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~{lesser}~~ **greater** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~{or}~~

(II) ~~{Eight percent; or~~

~~{2}~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~{-}~~; **or**

(III) Zero; or

(2) ***Eight percent,***

↪ whichever is ~~greater;~~ ***less.***

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The ~~lesser~~ ***greater*** of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years; ~~for~~

(II) ~~Eight percent; or~~

~~(2)~~ Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year ~~for~~; ***or***

(III) Zero; or

(2) Eight percent,

↪ whichever is ~~[greater.]~~ *less*.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ **361.4732** and any regulations adopted pursuant ~~[thereto,]~~ **to NRS 361.4733**, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and 2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section ~~[-~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Remainder"~~, **"remainder"** parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~[(c) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 17. NRS 361.4723 is hereby amended to read as follows:

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal

year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➤ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive]~~ **361.4732** and any regulations adopted pursuant ~~[thereto]~~ **to NRS 361.4733**, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) ~~["Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.]~~

~~(b)}~~ "Primary residence of the owner" means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

~~{{e}}~~ (b) "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

~~{{d}}~~ "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.

~~{{e}}~~ (c) "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

↪ if classified as personal property for the purposes of this chapter.

~~{{f}}~~ (d) "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

Sec. 18. NRS 361.4724 is hereby amended to read as follows:

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year

as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

↪ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS ~~[361.473 to 361.4733, inclusive,]~~ **361.4732** and any regulations adopted pursuant ~~[thereto,]~~ **to NRS 361.4733**, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

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

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.]~~

Sec. 19. NRS 361.4725 is hereby amended to read as follows:

361.4725 1. ~~[Notwithstanding]~~ **Except as otherwise provided in this section and notwithstanding** the provisions of NRS 361.4722, 361.4723 and 361.4724, if the taxable value of any parcel or other taxable unit of property:

(a) Decreases by 15 percent or more from its taxable value on:

(1) July 1, 2003; or

(2) July 1 of the second year immediately preceding the lien date for the current year,

↪ whichever is later; and

(b) For any fiscal year beginning on or after July 1, 2005, increases by 15 percent or more from its taxable value for the immediately preceding fiscal year,

→ the amount of any ad valorem taxes levied in a county which, if not for the provisions of NRS 361.4722, 361.4723 and 361.4724, would otherwise have been collected for the property for that fiscal year as a result of that increase in taxable value, excluding any amount attributable to any increase in the taxable value of the property above the taxable value of the property on the most recent date determined pursuant to paragraph (a), must be levied on the property and carried forward each fiscal year, without any penalty or interest, in such a manner that one-third of that amount may be collected during that fiscal year and each of the succeeding 2 fiscal years.

2. *If the total amount otherwise required to be collected during a fiscal year and each of the succeeding 2 fiscal years pursuant to subsection 1 for a parcel or other taxable unit of property is less than or equal to \$100, the entire amount may be levied on the property and collected during that initial fiscal year.*

3. *The Nevada Tax Commission may exempt from the requirements of this section the levy of any taxes in an amount which is less than the cost of collecting those taxes.*

4. The amount of any taxes ~~[which are carried forward and]~~ levied on any property pursuant to this section must be added to the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for a fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

~~{3.}~~ 5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

~~{4. For the purposes of this section:~~

~~(a) "Ad valorem taxes levied in a county" means any ad valorem taxes levied by the State or any other taxing entity in a county.~~

~~(b) "Taxing entity" means the State and any political subdivision or other legal entity in this State which has the right to receive money from ad valorem taxes.~~

Sec. 20. NRS 361.473 is hereby amended to read as follows:

361.473 *Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:*

1. On or before August 1 of each fiscal year, the tax receiver of each county shall determine for each parcel or other taxable unit of property located in that county, other than any property to which subsection 2 or NRS 361.4731 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current

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

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

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

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

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

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323, other than any property to which NRS 361.4731 applies, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724 and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year, the amount which equals the lesser of:

(a) The amount of the partial abatement of taxes to which the owner of the property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

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

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

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

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is determined pursuant to subsection 1 or 2 must be deducted from the amount of ad valorem taxes that each taxing entity which has increased its rate of ad valorem taxes applicable to the property from the rate for the immediately preceding fiscal year, would otherwise be entitled to receive for the current fiscal year in the same proportion as that increase in its ad valorem tax rate bears to the total increase in the combined overlapping tax rate applicable to the property for the current fiscal year.

Sec. 21. NRS 361.4731 is hereby amended to read as follows:

361.4731 ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733:***

1. On or before August 1 of each fiscal year, the tax receiver of each county in which is located a redevelopment area for which there is any

incremental assessed value shall determine for each parcel or other taxable unit of property in that redevelopment area, other than any property to which subsection 2 applies, for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

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

(I) Zero; or

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

(b) The amount which equals the difference between:

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

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

2. On or before August 1 of each fiscal year, the Department shall determine for each parcel or other taxable unit of property which is valued pursuant to NRS 361.320 or 361.323 and apportioned to a redevelopment area for which there is any incremental assessed value, and for which the owner thereof is entitled to a partial abatement of taxes pursuant to NRS 361.4722, 361.4723 or 361.4724, and the combined overlapping tax rate applicable to the property for the current fiscal year exceeds the combined overlapping tax rate applicable to the property for the immediately preceding fiscal year:

(a) The amount which equals the lesser of:

(1) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year; or

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

(I) Zero; or

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

subtracted from the combined overlapping tax rate for that property for the current fiscal year; and

(b) The amount which equals the difference between:

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

(2) The amount of the partial abatement of taxes to which the owner of that property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the current fiscal year.

3. That portion of the amount of any reduction in the ad valorem taxes levied on any parcel or other taxable unit of property to which subsection 1 or 2 applies for a fiscal year as a result of the application of NRS 361.4722, 361.4723 or 361.4724 which is determined pursuant to:

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

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

Sec. 22. NRS 361.4732 is hereby amended to read as follows:

361.4732 ~~[Notwithstanding]~~ ***Except as otherwise required to carry out any regulations adopted pursuant to NRS 361.4733 and notwithstanding*** any other provision of NRS 361.471 to 361.4735, inclusive, to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:

1. The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724 with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year

earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of NRS 361.471 to 361.4735, inclusive, the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.

Sec. 23. NRS 361.4733 is hereby amended to read as follows:

361.4733 1. The Committee on Local Government Finance ~~may~~ **shall** adopt:

(a) *Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:*

(1) *Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;*

(2) *Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and*

(3) *A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and*

(b) *Subject to the principles set forth in paragraph (a):*

(1) *Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS 361.473, 361.4731 and 361.4732; and*

~~{{(b)}}~~ (2) Regulations which provide, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732, methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.

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

Sec. 24. NRS 361.4733 is hereby amended to read as follows:

361.4733 1. The Committee on Local Government Finance ~~{may}~~ **shall** adopt:

(a) *Such regulations as it determines to be appropriate to provide for the allocation among the appropriate taxing entities of the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, in accordance with the principles that:*

(1) Any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 which is caused by an increase in the rate of taxes imposed by one or more taxing entities should be allocated to the taxing entities that would have received the benefit of that increase in proportion to the relative amount of benefit that otherwise would have been received from that increase;

(2) Any increase in the rate of ad valorem taxes imposed by a taxing entity should not affect the amount of ad valorem taxes received by other taxing entities, except for redevelopment agencies and tax increment areas whose property tax receipts depend on the tax rate of the taxing entity that increases its rate of taxes and whose territory is included, in whole or in part, in the territory of the taxing entity that increases its rate of taxes; and

(3) A taxing entity that does not increase its rate of ad valorem taxes should not be allocated any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real property as a result of the application of NRS 361.4722, 361.4723 and 361.4724, except for any reduction caused by an increase in the assessed value of that parcel or other taxable unit of real property; and

(b) Subject to the principles set forth in paragraph (a):

(1) Such regulations as it determines to be appropriate for the administration and interpretation of the provisions of NRS ~~{361.473, 361.4731 and}~~ 361.4732; and

~~{{(b)}}~~ (2) Regulations which provide ~~{, in a manner that is consistent with the provisions of NRS 361.473, 361.4731 and 361.4732,}~~ methodologies for allocating among the appropriate taxing entities the amount of any reduction in the ad valorem taxes levied on a parcel or other taxable unit of real

property as a result of the application of NRS 361.4722, 361.4723 and 361.4724 if the property is included in or excluded from the boundaries of a redevelopment area, tax increment area or taxing entity after June 14, 2005.

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

Sec. 25. NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722, 361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the tax receiver of the county in which the property is located. *The petition must be submitted on or before January 15 of the fiscal year for which the determination is effective.* The tax receiver shall, after consulting with the county assessor of that county regarding the determination and within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a tax receiver or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

Sec. 26. NRS 361.4835 is hereby amended to read as follows:

361.4835 1. If the county treasurer or the county assessor finds that a person's failure to make a timely return or payment of tax that is assessed by the county treasurer or county assessor and that is imposed pursuant to chapter 361 of NRS, except NRS 361.320, is the result of circumstances beyond his control and occurred despite the exercise of ordinary care and without intent, the county treasurer or the county assessor may relieve him of all or part of any interest or penalty, or both.

2. A person seeking this relief must *pay the amount of the tax due and, within 30 days after the date the payment is made,* file a statement setting forth the facts upon which he bases his claim with the county treasurer or the county assessor.

3. The county treasurer or the county assessor shall disclose, upon the request of any person:

(a) The name of the person; and

(b) The amount of the relief.

4. If the relief sought by the taxpayer is denied, he may appeal from the denial to the Nevada Tax Commission.

5. The county treasurer or the county assessor may defer the decision to the Department.

Sec. 27. Section 57 of chapter 496, Statutes of Nevada 2005, at page 2680, is hereby amended to read as follows:

Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

~~4. Section 23 of this act becomes effective on July 1, 2007.~~

~~5. Section 43 of this act expires by limitation on June 30, 2007.~~

Sec. 28. 1. NRS 361.4711, 361.4713, 361.4714, 361.4716, 361.4717, 361.4718, 361.4719, 361.472, 361.473 and 361.4731 are hereby repealed.

2. Section 23 of chapter 496, Statutes of Nevada 2005, at page 2660, is hereby repealed.

Sec. 29. 1. The Legislature hereby approves, confirms and ratifies the regulations adopted by the Committee on Local Government Finance pursuant to NRS 361.4733 before the effective date of this section.

2. The Committee on Local Government Finance shall adopt the regulations required pursuant to the amendatory provisions of section 23 of this act not later than December 31, 2007.

Sec. 30. 1. This section and section 27, subsection 2 of section 28 and section 29 of this act become effective upon passage and approval.

2. Sections 1 to 13, inclusive, 15, 19 to 23, inclusive, 25 and 26 of this act become effective on July 1, 2007.

3. Sections 15 and 23 of this act expire by limitation on December 31, 2007.

4. Sections 14, 16, 17, 18 and 24 and subsection 1 of section 28 of this act become effective on January 1, 2008.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

361.4711 "Abatement percentage" defined.

361.4713 "Base-year assessed value" defined.

361.4714 "Base-year assessed value percentage" defined.

361.4716 "Incremental assessed value" defined.

361.4717 "Parcel-proportionate share of the base value" defined.

361.4718 "Redevelopment agency" defined.

361.4719 "Redevelopment area" defined.

361.472 "Redevelopment taxing entity" defined.

361.473 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Generally.

361.4731 Allocation of certain portions of reduction in revenue resulting from partial abatements applicable to property for which tax rate increases: Property in or apportioned to redevelopment area.

Section 23 of chapter 496, Statutes of Nevada 2005:

Sec. 23. NRS 361.530 is hereby amended to read as follows:

361.530 ~~{1.—Except as otherwise provided in this section, on}~~ **On** all money collected from personal property tax by the several county assessors and county treasurers, there must be reserved and paid into the county treasury, for the benefit of the general fund of their respective counties, by the county assessor or county treasurer, a percentage commission of ~~{8}~~ **6** percent on the gross amount of collections from personal property tax.

~~{2.—One quarter of the commission reserved pursuant to subsection 1 must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.}~~

Assemblywoman McClain moved that the Assembly concur in the Senate Amendment No. 997 to Assembly Bill No. 209.

Remarks by Assemblywoman McClain.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 573.

The following Senate amendment was read:

Amendment No. 931.

AN ACT relating to wildlife; **revising the circumstances under which the killing of certain animals is prohibited**; requiring the Department of Wildlife to issue a 1-day group fishing permit under certain circumstances; requiring the Board of Wildlife Commissioners to adopt certain regulations; prohibiting a person from hunting or fishing any wildlife without a license or permit to do so; revising the information that the Department must include in certain permits; revising the fees for certain tags and permits; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331)

Section 24.5 of this bill revises the circumstances under which the intentional killing of certain animals is prohibited. (NRS 501.376)

Section 25 of this bill requires the Department to issue a 1-day group fishing permit to a group upon payment of the fee for the permit. A "group" means a group of persons that consists of at least one adult who is at least 16

years of age and at least one child who is at least 12 years of age but less than 16 years of age. Section 30 of this bill authorizes a person to fish for trout without obtaining a state trout stamp if the person is fishing under the authority of a 1-day group fishing permit.

Existing law states that a person who hunts or traps any wild bird or mammal or who fishes without first obtaining a license or permit to do so is guilty of a misdemeanor. (NRS 502.010) Existing law further states that a person who traps fur-bearing mammals must obtain a trapping license. (NRS 503.454) Section 26 of this bill states that a person who hunts or fishes any wildlife without a license or permit is guilty of a misdemeanor. "Wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state. (NRS 501.097)

Existing law requires a license that grants the privilege to hunt, fish or trap to include certain information, including, without limitation, the name, address and description of the holder of the license and the date the license is issued. (NRS 502.030) Section 27 of this bill expands that requirement to include any permit to hunt, fish or trap.

Existing law sets forth the fees that must be paid for licenses, permits and tags to hunt, fish and trap in Nevada. (NRS 502.240, 502.250) Section 28 of this bill imposes a fee of \$20 for the issuance of a 1-day permit to hunt migratory game birds and a fee of \$8 for each consecutive day added to that permit. Section 29 of this bill imposes a fee of \$1,200 for the issuance of a nonresident antlered elk tag and a fee of \$500 for the issuance of a nonresident antlerless elk tag.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 501.003 is hereby amended to read as follows:

501.003 ~~{As used in this title, "alternative"}~~ **"Alternative** livestock" means the following species, including subspecies, of the family Cervidae, if they are born and reared in captivity and raised on private property to produce meat or other by-products of animals or as breeding stock to produce alternative livestock:

1. Fallow deer (***Dama dama***).
2. Reindeer (***Rangifer tarandus***).

Sec. 3. NRS 501.005 is hereby amended to read as follows:

501.005 ~~{As used in this title, "big"}~~ **"Big** game mammal" means any game mammal so classified by Commission regulation.

Sec. 4. NRS 501.010 is hereby amended to read as follows:

501.010 ~~{As used in this title, “board”}~~ **“Board”** means the county advisory board to manage wildlife.

Sec. 5. NRS 501.013 is hereby amended to read as follows:

501.013 ~~{As used in this title, “chumming”}~~ **“Chumming”** means the placing in the water of fish, parts of fish or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken.

Sec. 6. NRS 501.015 is hereby amended to read as follows:

501.015 ~~{As used in this title, “closed”}~~ **“Closed** season” means all periods except those designated as “open season.” During any such season it is unlawful to fish, to hunt game mammals or game birds or to hunt or trap fur-bearing mammals. There is no closed season on those species of wild mammals or wild birds classified as unprotected.

Sec. 7. NRS 501.020 is hereby amended to read as follows:

501.020 Except as otherwise provided in NRS 504.430 to 504.490, inclusive, ~~{as used in this title, unless the context otherwise requires,}~~ “Commission” means the Board of Wildlife Commissioners.

Sec. 8. NRS 501.023 is hereby amended to read as follows:

501.023 ~~{As used in this title, “county,”}~~ **“County,”** when appearing alone or in the reference framework of county advisory board to manage wildlife, board of county commissioners or any county officer, includes and applies to Carson City.

Sec. 9. NRS 501.024 is hereby amended to read as follows:

501.024 ~~{As used in this title,}~~ “Department” means the Department of Wildlife.

Sec. 10. NRS 501.026 is hereby amended to read as follows:

501.026 ~~{As used in this title,}~~ “Director” means the Director of the Department.

Sec. 11. NRS 501.030 is hereby amended to read as follows:

501.030 ~~{As used in this title, the}~~ **The** words “to fish” and their derivatives, “fishes,” “fishing” and “fished,” mean catching, taking, capturing, killing, injuring or crippling of a fish or game amphibian, and every attempt to do so.

Sec. 12. NRS 501.035 is hereby amended to read as follows:

501.035 ~~{As used in this title, “fur bearing”}~~ **“Fur-bearing** mammal” means any mammal so classified by Commission regulation.

Sec. 13. NRS 501.037 is hereby amended to read as follows:

501.037 ~~{As used in this title, “game”}~~ **“Game** amphibian” means any amphibian so classified by Commission regulation.

Sec. 14. NRS 501.045 is hereby amended to read as follows:

501.045 ~~{As used in this title, “game”}~~ **“Game** fish” means any fish so classified by Commission regulation.

Sec. 15. NRS 501.046 is hereby amended to read as follows:

501.046 ~~{As used in this title, “game”}~~ **“Game** mammal” means any mammal so classified by Commission regulation.

Sec. 16. NRS 501.047 is hereby amended to read as follows:

501.047 ~~{As used in this title, “game”}~~ **“Game** warden” means any person authorized by the Director to enforce the provisions of this title and of chapter 488 of NRS.

Sec. 17. NRS 501.050 is hereby amended to read as follows:

501.050 ~~{As used in this title, the}~~ **The** words “to hunt” and their derivatives, “hunting” and “hunted,” mean to search for, pursue or attract ~~{wild mammals or birds}~~ **any wildlife** for the purpose and with the means of capturing, injuring or killing ~~{them,}~~ **that wildlife**, every attempt to capture, injure or kill ~~{wild mammals or birds,}~~ **wildlife**, and every act of assistance to any other person in capturing, injuring or killing ~~{such mammals or birds,}~~ **that wildlife**.

Sec. 18. NRS 501.055 is hereby amended to read as follows:

501.055 ~~{As used in this title, “migratory”}~~ **“Migratory** game birds” means any birds so classified by Commission regulation.

Sec. 19. NRS 501.065 is hereby amended to read as follows:

501.065 ~~{As used in this title, “open”}~~ **“Open** season” means that period designated pursuant to the provisions of this title during which it is legal to fish or to hunt game mammals or game birds or to hunt or to trap fur-bearing mammals. ~~{Such}~~ **The** period includes the first day and last day designated. There is no open season on those species of wildlife classified as protected.

Sec. 20. NRS 501.088 is hereby amended to read as follows:

501.088 ~~{As used in this title, unless the context otherwise requires, the}~~ **The** words “to take” and their derivatives, “took,” “taken” and “taking,” when used in reference to wildlife, mean to kill, capture, shoot, trap, catch, wound, possess, collect, seine, snare or net, and every attempt to do so.

Sec. 21. NRS 501.090 is hereby amended to read as follows:

501.090 ~~{As used in this title, the}~~ **The** words “to trap” and their derivatives, “trapping” and “trapped,” mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any ~~{wild mammal or wild bird}~~ **wildlife** and every act of assistance to any person in so doing.

Sec. 22. NRS 501.095 is hereby amended to read as follows:

501.095 ~~{As used in this title, “upland”}~~ **“Upland** game birds” means any birds so classified by Commission regulation.

Sec. 23. NRS 501.096 is hereby amended to read as follows:

501.096 ~~{As used in this title, “vessel”}~~ **“Vessel”** means every kind of watercraft, other than a seaplane on the water, which is used or capable of being used as a means of transportation on water.

Sec. 24. NRS 501.097 is hereby amended to read as follows:

501.097 ~~{As used in this title, “wildlife”}~~ **“Wildlife”** means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

Sec. 24.5. NRS 501.376 is hereby amended to read as follows:

501.376 1. Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear:

(a) Outside of the prescribed season set by the Commission for the lawful hunting of that animal;

(b) Through the use of an aircraft ~~or~~ or helicopter ~~for motor-driven vehicle~~ in violation of NRS 503.010;

(c) By a method other than the method prescribed on the tag issued by the Department for hunting that animal;

(d) ~~In a manner,~~ **Knowingly** during a time ~~for in a place otherwise prohibited by a specific statute or a regulation adopted,~~ **other than:**

(1) The time of day set by the Commission ~~for~~ **for hunting that animal pursuant to NRS 503.140; or**

(2) If the Commission has not set such a time, between sunrise and sunset as determined pursuant to that section; or

(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

(1) Other than the person specified on the tag;

(2) Outside of the management area or other area specified on the tag;

or

(3) If the tag was obtained by a false or fraudulent representation.

2. The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:

(a) The nature of the offense;

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor.

Sec. 25. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall issue a 1-day group fishing permit to a group upon the payment of the fee required pursuant to this section. A 1-day group fishing permit authorizes each member of the group to fish during the period specified on the permit in accordance with the regulations adopted by the Commission pursuant to this section. Each group that applies for the issuance of a 1-day group fishing permit pursuant to this section must designate a person who is at least 18 years of age to act as the primary adult for that group.*

2. *Except as otherwise provided in subsection 3, the fees for the issuance of a 1-day group fishing permit are:*

(a) *If at least one member of the group is a bona fide resident of this State pursuant to NRS 502.015:*

(1) *Eight dollars for the primary adult for the group;*

(2) *Five dollars for each other adult in the group; and*

(3) *Four dollars for each child in the group.*

(b) *If no member of the group is a bona fide resident of this State pursuant to NRS 502.015:*

(1) *Seventeen dollars for the primary adult for the group;*

(2) *Eleven dollars for each other adult in the group; and*

(3) *Five dollars for each child in the group.*

3. *The fees specified in subsection 2 are payable only with respect to each member of the group who does not hold a license or permit to fish issued pursuant to NRS 502.240.*

4. *The Commission shall adopt regulations to carry out the provisions of this section, including, without limitation, the requirements for using a 1-day group fishing permit.*

5. *As used in this section:*

(a) *"Adult" means a person who is at least 16 years of age.*

(b) *"Child" means a person who is at least 12 years of age but less than 16 years of age.*

(c) *"Group" means a group of persons consisting of at least one adult and one child at the time the 1-day group fishing permit is purchased.*

Sec. 26. NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or ~~traps any of the wild birds or mammals or who~~ fishes *any wildlife* without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must

not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in subsection 5 or 6 of NRS 202.300, it is unlawful for any child who is under 18 years of age to hunt any ~~of the wild birds or mammals~~ **wildlife** with any firearm, unless the child is accompanied at all times by his parent or guardian or is accompanied at all times by an adult person authorized by his parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of ~~wild birds or mammals~~ **wildlife** which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare one day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected ~~wild birds or mammals~~ **wildlife** on or in the immediate vicinity of home or ranch premises.

Sec. 27. NRS 502.030 is hereby amended to read as follows:

502.030 1. Licenses **or permits** granting the privilege to hunt, fish or trap as provided in this title must be of such a form as is deemed necessary by the Department, but must include the following information:

(a) The holder's name, address and description.

(b) The date issued.

(c) The period of validity.

(d) The correct designation as to whether a fishing, hunting or trapping license ~~or permit~~.

(e) A statement to be signed by the holder: "I, the signator holder in signing this license ~~or permit~~, hereby state that I am entitled to this license **or permit** under the laws of the State of Nevada and that no false statement has been made by me to obtain this license ~~or permit~~."

2. The Commission may provide rules and regulations requiring an applicant to exhibit proof of his identity and residence. Such information must be included on the license **or permit** as is deemed necessary by the Department.

3. The Commission may provide rules and regulations establishing a permanent licensing **or permitting** system. Such a system may authorize the use of applications for the issuance of temporary hunting, fishing and trapping licenses **or permits** for residents and the issuance of annual licenses

or permits therefrom. The system may provide for the automatic renewal and validation of the annual license ~~[] or permit.~~

4. The Commission may ~~[provide regulations covering]~~ **adopt regulations setting forth** the method of applying for, the term and expiration date of any license *or permit* required by this title to be issued without the payment of a fee.

Sec. 28. NRS 502.240 is hereby amended to read as follows:

502.240 The Department shall issue annual licenses and limited permits:

1. To any person who has not attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon payment of a fee of \$10 for an annual trapping license.

2. Except as otherwise provided in NRS 502.245 and 504.390, **and section 25 of this act**, to any person who has attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon the payment of a fee of:

For [a] an annual fishing license	\$25
For a 1-day permit to fish	8
For each consecutive day added to a 1-day permit to fish	3
For a hunting license.....	\$29
For a combined hunting and fishing license	50
For a trapping license.....	38
For a fur dealer's license.....	63
For an annual master guide's license	750
For an annual subguide's license	125

3. To any person who has attained his 12th birthday but who has not attained his 16th birthday, and who is not a bona fide resident of the State of Nevada, upon the payment of a fee of \$17 for an annual fishing license.

4. Except as otherwise provided in subsection 3 ~~[] and section 25 of this act~~, to any person who is not a bona fide resident of the State of Nevada, upon the payment of a fee of:

For an annual fishing license	\$65
For a 1-day permit to fish	17
For each consecutive day added to a 1-day permit to fish	7
For a hunting license.....	138
For a combined hunting and fishing license	195
For an annual trapper's license	188
For a fur dealer's license.....	125
For an annual master guide's license	1,500
For an annual subguide's license	250
For a 1-day permit to hunt upland game and [waterfowl] migratory game birds	20
For each consecutive day added to a 1-day permit to hunt upland game and [waterfowl] migratory game birds	8

5. To any person, without regard to residence, upon the payment of a fee of:

For a noncommercial license for the possession of live wildlife	\$15
For a commercial or private shooting preserve.....	125
For a commercial license for the possession of live wildlife	500
For a live bait dealer's permit	44
For a competitive field trials permit.....	31
For a permit to train dogs or falcons.....	15
For a 1-year falconry license	38
For a 3-year falconry license	94
For an importation permit	15
For an import eligibility permit	31
For an exportation permit	15
For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.	

Sec. 29. NRS 502.250 is hereby amended to read as follows:

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag.....	\$30
Resident antelope tag	60
Resident elk tag.....	120
Resident bighorn sheep tag	120
Resident mountain goat tag.....	120
Resident mountain lion tag	\$25
Nonresident deer tag	240
Nonresident antelope tag	300
Nonresident <i>antlered</i> elk tag.....	1,200
Nonresident antlerless elk tag	500
Nonresident bighorn sheep tag	1,200
Nonresident mountain goat tag	1,200
Nonresident mountain lion tag.....	100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed \$10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than \$5 but not more than \$15 must be charged for processing an application for an elk, \$5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General

Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State.

5. The Commission may accept sealed bids for or may auction not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid or auction may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

Sec. 30. NRS 502.326 is hereby amended to read as follows:

502.326 1. Except as otherwise provided in subsection 2, it is unlawful for any person to take or possess trout unless at the time he is fishing he carries on his person:

(a) An unexpired state trout stamp affixed to his fishing license and validated by his signature in ink across the face of the stamp; or

(b) Such documentation as the Department provides as proof that he has paid to the Department, for the licensing period that includes the time he is fishing, the same fee as that required pursuant to subsection 3 for the purchase of a state trout stamp for that period.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is under the age of 12; or

(b) Is fishing:

(1) Under the authority of a valid 1-day permit to fish or during a consecutive day validly added to that permit; ~~for~~

(2) ***Under the authority of a valid 1-day group fishing permit; or***

(3) In accordance with regulations adopted by the Commission pursuant to subparagraph (2) of paragraph (e) of subsection 1 of NRS 502.010.

3. State trout stamps must be sold for a fee of \$10 each by the Department and by persons authorized by the Department to sell hunting, fishing and trapping licenses.

4. The Department shall determine the form of the stamps.

Sec. 31. This act becomes effective on July 1, 2007.

Assemblyman Claborn moved that the Assembly concur in the Senate amendment to Assembly Bill No. 573.

Remarks by Assemblyman Claborn.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 385.

The following Senate amendment was read:

Amendment No. 771.

AN ACT relating to the practice of medicine; authorizing the Board of Medical Examiners to issue ~~{special}~~ restricted licenses ; ~~{and establish fees for those licenses.}~~ regulating the performance of laser surgery, intense pulsed light therapy and the injection of ~~{cosmetic and}~~ chemotherapeutic ~~{substances.}~~ **agents**; increasing certain penalties; revising the scope of practice authorized for a physician practicing under a special volunteer medical license; making physicians subject to discipline for incurring or failing to report any disciplinary action in another jurisdiction or failing to obtain the informed consent of a patient to any procedure or therapy; providing peer reviewers and employees and volunteers working in a diversion program of the Board with limited civil immunity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 16 of this bill extend to physician assistants certain duties and immunities applicable to other providers of health care. (NRS 41.505, 629.031)

~~{Sections 3 and 12}~~ **Section 3** of this bill ~~{authorize}~~ **authorizes** the Board of Medical Examiners to issue ~~{special}~~ restricted licenses to graduates of foreign medical schools who wish to engage in research, teaching or the practice of clinical medicine ~~{in special medical programs.}~~ **at a medical research facility or medical school in this State.**

~~{Sections 4 and 15.5 of this bill prohibit a person from performing a medical procedure in connection with laser surgery or intense pulsed light therapy unless the person is licensed as a physician , physician assistant, osteopathic physician or osteopathic physician's assistant.}~~ Sections 4 and 15.5 ~~{also require}~~ **of this bill provide** that laser surgery or intense pulsed light therapy on the globe of the eye **may** be performed **only** by a licensed physician or osteopathic physician who has completed a residency program in ophthalmology.

Section 5 of this bill prohibits a person, other than a physician, from injecting a patient with any ~~{cosmetic or}~~ chemotherapeutic ~~{substance}~~

agent classified as a prescription drug unless the person is a licensed or certified health care worker, acting within the scope of his license or certificate and under the supervision of a physician. **Section 5 also defines the term “prescription drug” as a controlled substance or dangerous drug that may only be dispensed pursuant to a lawful prescription as well as any other substance or drug that can be substituted for such a controlled substance or drug.**

Section 17 of this bill provides for the creation of a subcommittee by the Legislative Committee on Health Care. Section 17 requires the subcommittee to review the regulation of the use of lasers and intense pulsed light therapy in the performance of medical procedures and the use of injections of chemotherapeutic substances in the performance of procedures.

Sections 8 and 9 of this bill increase the penalties for physicians who fail to provide written notice to the Board of changes in their status and location. (NRS 630.254, 630.255)

Section 10 of this bill expands the scope of practice authorized for a physician practicing under a special volunteer medical license to include the treatment of persons who are uninsured or unable to afford health care in addition to the treatment of persons who are indigent.

Sections 13 and 14 of this bill expand the acts for which the Board may initiate discipline or deny licensure to include: (1) any disciplinary action taken against a physician by another jurisdiction; (2) failing to report the disciplinary action; and (3) failing to obtain the informed consent of a patient before performing any procedure or prescribing any therapy. (NRS 630.301, 630.306)

Section 15 of this bill extends the Board’s limited immunity from civil liability to the Board’s peer reviewers and persons working in diversion programs. (NRS 630.364)

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by specific statute:

1. “Provider of health care” means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, *physician assistant*, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, chiropractor, athletic trainer, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

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

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

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

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

(c) Is a recognized medical expert; and

(d) Intends to teach, ~~{who intends to teach, engage in}~~ research or practice clinical medicine ~~{in a special medical program that is approved by the Board and conducted by the University of Nevada School of Medicine or a medical research center that is recognized by the Board.}~~ at a medical research facility or medical school in this State.

2. *A person who applies for a ~~{special}~~ restricted license pursuant to this section 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 ~~{special}~~ restricted license set forth in regulations adopted by the Board.

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

~~4. A special restricted license expires automatically if the holder of the license ceases to practice medicine in the special medical program for which he received the license. The University of Nevada School of Medicine or medical research center that conducts the special medical program shall notify the Board within 10 days after the holder of the license ceases to practice medicine in the special medical program.~~

~~5. The Board may renew or modify a special restricted license unless the license expired automatically or was revoked by the Board.~~

~~6. The Board shall adopt regulations to carry out the provisions of this section.~~

Sec. 4. ~~{1. Except as otherwise provided in section 15.5 of this act, a person shall not perform a medical procedure in connection with laser surgery or intense pulsed light therapy unless he holds a license issued pursuant to this chapter as a physician or physician assistant.~~

~~2. Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed physician who has completed a program of progressive postgraduate education in ophthalmology 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 Council on Medical Education of the Canadian Medical Association.~~

Sec. 5. 1. *A person, other than a physician, shall not inject a patient with any ~~{cosmetic or}~~ chemotherapeutic ~~{substance}~~ agent classified as a prescription drug unless:*

~~1-1~~ (a) *The person is licensed or certified to perform medical services pursuant to this title;*

~~2-1~~ (b) *The administration of the injection is within the scope of the person's license or certificate; and*

~~3-1~~ (c) *The person administers the injection under the supervision of a physician. The Board shall prescribe the requirements for supervision pursuant to this subsection.*

2. As used in this section:

(a) "Dangerous drug" has the meaning ascribed to it in NRS 454.201.

(b) "Prescription drug" means:

(1) A controlled substance or dangerous drug that may be dispensed to an ultimate user only pursuant to a lawful prescription; and

(2) Any other substance or drug substituted for such a controlled substance or dangerous drug.

Sec. 6. NRS 630.025 is hereby amended to read as follows:

630.025 "Supervising physician" means an active physician licensed **and in good standing** in the State of Nevada who ~~employs and~~ supervises a physician assistant.

Sec. 7. 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~~ **the** 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]~~ **which must have been completed** 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. 8. NRS 630.254 is hereby amended to read as follows:

630.254 1. Each licensee shall maintain a permanent mailing address with the Board to which all communications from the Board to the licensee must be sent. A licensee who changes his permanent mailing address shall notify the Board **in writing** of his new permanent mailing address within 30 days after the change. If a licensee fails to notify the Board **in writing** of a change in his permanent mailing address within 30 days after the change, the Board:

(a) Shall impose upon the licensee a fine not to exceed ~~[\$100;]~~ **\$250;** and

(b) May initiate disciplinary action against the licensee as provided pursuant to subsection 9 of NRS 630.306.

2. Any licensee who changes the location of his office in this State shall notify the Board **in writing** of the change before practicing at the new location.

3. Any licensee who closes his office in this State shall:

(a) Notify the Board **in writing** of this occurrence within 14 days after the closure; and

(b) For a period of 5 years thereafter keep the Board apprised **in writing** of the location of the medical records of his patients.

Sec. 9. NRS 630.255 is hereby amended to read as follows:

630.255 1. Any licensee who changes the location of his practice of medicine from this State to another state or country, has never engaged in the

practice of medicine in this State after licensure or has ceased to engage in the practice of medicine in this State for 12 consecutive months may be placed on inactive status by order of the Board.

2. Each inactive registrant shall maintain a permanent mailing address with the Board to which all communications from the Board to the registrant must be sent. An inactive registrant who changes his permanent mailing address shall notify the Board *in writing* of his new permanent mailing address within 30 days after the change. If an inactive registrant fails to notify the Board *in writing* of a change in his permanent mailing address within 30 days after the change, the Board shall impose upon the registrant a fine not to exceed ~~the \$100.~~ **\$250.**

3. Before resuming the practice of medicine in this State, the inactive registrant must:

- (a) Notify the Board of his intent to resume the practice of medicine in this State;
- (b) File an affidavit with the Board describing his activities during the period of his inactive status;
- (c) Complete the form for registration for active status;
- (d) Pay the applicable fee for biennial registration; and
- (e) Satisfy the Board of his competence to practice medicine.

4. If the Board determines that the conduct or competence of the registrant during the period of inactive status would have warranted denial of an application for a license to practice medicine in this State, the Board may refuse to place the registrant on active status.

Sec. 10. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who wishes to donate his expertise for the medical care and treatment of ~~indigent~~ persons in this State ***who are indigent, uninsured or unable to afford health care*** may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

- (a) Documentation of the history of medical practice of the physician;
- (b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that he has never been the subject of disciplinary action by a medical board in any jurisdiction;
- (c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605;

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care to ~~indigent~~ persons in this State ~~;~~ ***who are indigent, uninsured or unable to afford health care;*** and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board shall issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

- (a) The review of an application for a special volunteer medical license; or
- (b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 11. NRS 630.265 is hereby amended to read as follows:

630.265 1. Except as otherwise provided in NRS 630.161, the Board may issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if he is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that he passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. ~~Such a~~ **A limited** license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue ~~[such]~~ a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his duties as a resident physician or under such conditions as are approved by the director of the program. ~~[and the Board.]~~

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 12. ~~[NRS 630.268 is hereby amended to read as follows:~~

~~630.268 1. The Board shall charge and collect not more than the following fees:~~

~~For application for and issuance of a license to practice as a physician, including a license by endorsement \$600~~

~~For application for and issuance of a temporary, locum tenens, limited, restricted, special, *special restricted* or special purpose license 400~~

~~For renewal of a limited, restricted or special license \$400~~

~~For application for and issuance of a license as a physician assistant 400~~

~~For biennial registration of a physician assistant 800~~

~~For biennial registration of a physician 800~~

~~For application for and issuance of a license as a practitioner of respiratory care 400~~

~~For biennial registration of a practitioner of respiratory care 600~~

~~For biennial registration for a physician who is on inactive status 400~~

~~For written verification of licensure 50~~

~~For a duplicate identification card 25~~

~~For a duplicate license 50~~

~~For computer printouts or labels 500~~

~~For verification of a listing of physicians, per hour 20~~

~~For furnishing a list of new physicians 400~~

~~2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for its other services.~~

~~3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. [Such a] special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.] (Deleted by amendment.)~~

Sec. 13. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of a felony relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. ~~[The]~~ **Any disciplinary action, including, without limitation, the** revocation, suspension, modification or limitation of ~~[the]~~ **a license to practice any type of medicine , taken by another state, the Federal Government, a foreign country or** any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner, but only if ~~[such]~~ **the** malpractice is established by a preponderance of the evidence.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an appropriate provider, when ~~[such]~~ **a** ~~the~~ failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a code of ethics adopted by the Board by regulation based on a national code of ethics.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

11. Conviction of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS; or

(g) Any offense involving moral turpitude.

Sec. 14. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he is not competent to perform.

6. Performing, without first obtaining the informed consent of the patient or his family, any procedure or prescribing any therapy which by the current standards of the practice of medicine ~~are~~ is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

9. Failing to comply with the requirements of NRS 630.254.

10. Habitual intoxication from alcohol or dependency on controlled substances.

11. Failure by a licensee or applicant to report ~~it~~ *in writing*, within 30 days, *any disciplinary action taken against him by another state, the Federal Government or a foreign country, including, without limitation*, the revocation, suspension or surrender of his license to practice medicine in another jurisdiction.

12. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

Sec. 15. NRS 630.364 is hereby amended to read as follows:

630.364 1. Any person or organization who furnishes information concerning an applicant for a license or a licensee in good faith and without malicious intent in accordance with the provisions of this chapter is immune from any civil action for furnishing that information.

2. The Board and any of its members and its staff, counsel, investigators, experts, *peer reviewers*, committees, panels, hearing officers, ~~and~~ consultants *and the employees or volunteers of a diversion program* are immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.

(b) Disseminating information concerning an applicant for a license or a licensee to other boards or agencies of the State, the Attorney General, any hospitals, medical societies, insurers, employers, patients and their families or any law enforcement agency.

3. *As used in this section, "diversion program" means a program approved by the Board to correct a licensee's alcohol or drug dependence or any other impairment.*

Sec. 15.5. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Except as otherwise provided in section 4 of this act, a person shall not perform a medical procedure in connection with laser surgery or intense pulsed light therapy unless he holds a license or certificate issued pursuant to this chapter as an osteopathic physician or osteopathic physician's assistant.~~

~~2. Laser surgery or intense pulsed light therapy on the globe of the eye of a patient may be performed only by a licensed osteopathic physician who has completed a program of progressive postgraduate education in ophthalmology as a resident in the United States or Canada in a program approved by the Board.~~ *Bureau of Osteopathic Education of the American Osteopathic Association, the Accreditation Council for Graduate Medical Education or the Council on Medical Education of the Canadian Medical Association.*

Sec. 16. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any physician, *physician assistant* or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant, *physician assistant* or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision. An emergency medical attendant, *physician assistant*, registered nurse or licensed practical nurse who obeys an instruction given by a physician, *physician assistant*, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or

omission, not amounting to gross negligence, in rendering that emergency care.

2. Except as otherwise provided in subsection 3, any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by him in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, *physician assistant* or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

3. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by him in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

↪ A licensed medical facility in which ~~such~~ *the* care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to this subsection and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

4. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of his license to an indigent person,

↪ is not liable for any civil damages as a result of any act or omission by him, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

5. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any

civil damages as a result of any act or omission by him in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

6. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

(b) "Gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 17. 1. The Legislative Committee on Health Care shall appoint a subcommittee to review the regulation of:

(a) The use of lasers and intense pulsed light therapy in the performance of medical procedures on patients; and

(b) The use of injections of cosmetic or chemotherapeutic substances in the performance of procedures on patients.

2. The subcommittee must consist of at least three members of the Legislative Committee on Health Care, all of whom are to be appointed by the Chairman of the Legislative Committee on Health Care.

3. The Chairman of the Legislative Committee on Health Care shall designate a member of the subcommittee to serve as Chairman of the subcommittee.

4. The subcommittee shall:

(a) Conduct:

(1) A review of the laws and regulations of this State relating to the issues described in subsection 1; and

(2) A study concerning the issues described in subsection 1;

(b) In carrying out the provisions of paragraph (a), consult with a representative of:

(1) The practice of ophthalmology in this State;

(2) The practice of dermatology in this State;

(3) The practice of cosmetic or plastic surgery in this State; and

(4) The medical spa industry in this State; and

(c) Not later than June 30, 2008, submit a report of the results of its review and study and any recommendations for legislation to the Legislative Committee on Health Care.

5. The subcommittee may contract with such experts, researchers and consultants as may be necessary for the subcommittee to carry out its duties.

Assemblyman Ocegüera moved that the Assembly concur in the Senate amendment to Assembly Bill No. 385.

Remarks by Assemblyman Ocegüera.

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

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ocegüera withdrew his motion that the Assembly concur with Senate Amendment No. 771 to Assembly Bill No. 385.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam Speaker:

The first Conference Committee concerning Assembly Bill No. 14, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that the Amendment No. 663 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

MIKE MCGINNESS

TERRY CARE

MARK AMODEI

Senate Conference Committee

JOHN OCEGUERA

BERNIE ANDERSON

JOHN CARPENTER

Assembly Conference Committee

Conference Amendment No. CA1.

Legislative Counsel's Digest:

Section 2 of this bill creates a new crime for unlawfully possessing certain graffiti implements in certain public places. Specifically, **section 2** provides that it is a misdemeanor for a person to carry on his person with the intent to vandalize, place graffiti on or otherwise deface property a graffiti implement on certain public and private property or in a public transportation vehicle without valid authorization from the appropriate governmental entity or person. **Sections 6-8** of this bill amend existing law to provide that persons who unlawfully possess a graffiti implement in violation of **section 2** are treated similarly to persons who unlawfully place graffiti on the property of another in violation of NRS 206.125 or 206.330. **Section 6** requires a person who violates **section 2** to pay, in addition to any other fine or penalty, an administrative assessment of \$250 which must be credited to the Graffiti Reward Fund. (NRS 206.340) **Section 7** amends existing law which provides that, under certain circumstances, a person may not sue a public employee, officer or agency for any injury, wrongful death or other damage incurred by a person while committing certain crimes to include the new crime created pursuant to **section 2**. (NRS 41.0334) **Section 8** amends existing law which authorizes a court to suspend the driver's license of a child or to delay the

issuance of a driver's license to the child if he does not yet possess a driver's license when the child is adjudicated delinquent for engaging in certain acts involving graffiti or defacing property to allow such actions when a child engages in an act prohibited by **section 2**. (NRS 62E.690)

Section 3 of this bill requires a person who is ordered to pay restitution for damaging the property of another to pay the restitution to either the owner of the property or, if the damage involves the placement of graffiti on certain property, to the governmental entity that incurred the costs of cleaning up or removing the graffiti.

Section 4 of this bill revises the penalty for placing graffiti on, vandalizing, defacing or otherwise damaging: (1) a place of religious worship; (2) a facility used for the purpose of burial or memorializing the dead; or (3) a school, educational facility or community center to provide for mandatory fines and community service. **Section 4** also adds transportation facilities and public transportation vehicles to the list of entities covered by this section. (NRS 206.125)

~~**Section 5** of this bill amends the threshold amount used to determine the penalty for a person who places graffiti on or otherwise defaces public or private property without the permission of the owner. **Section 5** also~~ revises the penalties for such an offense to include a mandatory fine and community service, revises the period for the suspension of a driver's license, defines the manner for determining the "value of the loss" and allows for aggregating the amount of damage to determine the value of the loss, but only if the value of the loss when aggregated is \$5,000 or more. (NRS 206.330)

Existing law provides for the suspension or delay in the issuance of a driver's license to a person who commits certain graffiti offenses. **Section 8** of this bill adds to the crimes for which a license may be suspended or delayed the new crime of carrying a graffiti implement in certain places and increases the minimum period of the suspension or delay to 1 year. (NRS 62E.690)

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

Section 1. Chapter 206 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. **1. Any person who carries on his person a graffiti implement with the intent to vandalize, place graffiti on or otherwise deface public or private property, real or personal, of another:**

(a) *While on or under any overpass or bridge or in any flood channel;*
(b) *At any public facility, community center, park, playground, swimming pool, transportation facility, beach or recreational area whereon a sign is posted in a location reasonably expected to be viewed by the public which states that it is a misdemeanor to possess a graffiti implement at that public location without valid authorization; or*

(c) In a public transportation vehicle wherein a sign is posted that is easily viewed by passengers which states that it is a misdemeanor to possess a graffiti implement in the vehicle without valid authorization,

↪ is guilty of a misdemeanor unless he has first received valid authorization from the governmental entity which has jurisdiction over the public area or other person who is designated to provide such authorization.

2. *As used in this section:*

(a) "Broad-tipped indelible marker" means any felt-tipped marker or similar implement which contains a fluid that is not soluble in water and which has a flat or angled writing surface of a width of one-half inch or greater.

(b) "Graffiti implement" means any broad-tipped indelible marker or aerosol paint container or other item that may be used to propel or apply fluid that is not soluble in water.

(c) "Public transportation vehicle" means a bus, train or other vehicle or instrumentality used to transport persons from a transportation facility to another location.

(d) "Transportation facility" means an airport, marina, bus terminal, train station, bus stop or other facility where a person may go to obtain transportation.

Sec. 3. *If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:*

1. The owner of the property which was affected by the violation; or

2. If the violation involved the placing of graffiti on any public property, the governmental entity that incurred expenses for removing, covering or cleaning up the graffiti.

Sec. 4. NRS 206.125 is hereby amended to read as follows:

206.125 1. Unless a greater penalty is provided by law, a person who knowingly vandalizes, places graffiti on, defaces or otherwise damages:

(a) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

(b) Any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;

(c) Any school, educational facility, *transportation facility, public transportation vehicle* or community center;

(d) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraph (a), (b) or (c); or

(e) Any personal property contained in any institution, facility, building, structure or place described in paragraph (a), (b) or (c),

↪ is guilty of a gross misdemeanor.

2. In addition to any other penalty, the court shall order ~~the~~ a person *found guilty of a gross misdemeanor pursuant to subsection 1* to pay restitution for the damage ~~[-] and:~~

(a) *For the first offense, to pay a fine of not less than \$400 but not more than \$1,000, and to perform 100 hours of community service.*

(b) *For the second offense, to pay a fine of not less than \$750, but not more than \$1,000, and to perform 200 hours of community service.*

(c) *For a third or subsequent offense, to pay a fine of \$1,000, and to perform 200 hours of community service.*

~~{2-}~~ 3. A person who is paid money for restitution pursuant to subsection 1 shall use the money to repair or restore the property that was damaged.

4. *As used in this section:*

(a) *"Public transportation vehicle" has the meaning ascribed to it in section 2 of this act.*

(b) *"Transportation facility" has the meaning ascribed to it in section 2 of this act.*

Sec. 5. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than \$250, ~~(\$1,000)~~ is guilty of a misdemeanor.

(b) Where the value of the loss is \$250 ~~(\$1,000)~~ or more but less than \$5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is \$5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. ***If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.***

2. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses ~~{may}~~ **must** be aggregated for the purpose of determining the penalty prescribed in subsection 1 ~~{-}~~, **but only if the value of the loss when aggregated is \$5,000 or more.**

3. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, ***pay a fine of not less than \$400 but not more than \$1,000 and perform*** ~~{not less than 50 hours, but not more than 99 hours,}~~ ***100 hours*** of community service.

(b) For the second offense, ***pay a fine of not less than \$750 but not more than \$1,000 and perform*** ~~{not less than 100 hours, but not more than 199 hours,}~~ ***200 hours*** of community service.

(c) For the third and each subsequent offense, ***pay a fine of \$1,000 and perform*** ~~{not less than}~~ ***200 hours*** of community service.

➡ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

4. The parent or legal guardian of a person under the age of 18 years who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

5. If a person who is 18 years of age or older is found guilty of violating this section, the court ~~{may}~~ **shall, in addition to any other penalty imposed,** issue an order suspending the driver's license of the person for ~~{a period not to exceed}~~ **not less than 6 months** ~~{in addition to any other penalty imposed. If such an order is issued, the}~~ **but not more than 2 years.** **The** court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court ~~{may}~~ **shall** issue an order prohibiting the person from applying for a driver's license ~~{within the}~~ **for not less than 6 months** ~~{immediately following the date of the order.}~~ **but not more than 2 years.** The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

6. The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

7. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to another statute for the same conduct.

8. As used in this section ~~{ "impairment" }~~:

(a) **"Impairment"** means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) **"Value of the loss"** means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Sec. 6. NRS 206.340 is hereby amended to read as follows:

206.340 1. The Graffiti Reward Fund is hereby created in the State General Fund.

2. When a defendant pleads or is found guilty of violating NRS 206.125 or 206.330 ~~{ }~~ **or section 2 of this act,** the court shall include an administrative assessment of \$250 for each violation in addition to any other fine or penalty. The money collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Graffiti Reward Fund.

3. All money received pursuant to subsection 2 must be deposited with the State Controller for credit to the Graffiti Reward Fund. The money in the Fund must be used to pay a reward to a person who, in response to the offer of a reward, provides information which results in the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~or~~ **or section 2 of this act.**

4. If sufficient money is available in the Graffiti Reward Fund, a state law enforcement agency may offer a reward, not to exceed \$1,000, for information leading to the identification, apprehension and conviction of a person who violates NRS 206.125 or 206.330 ~~or~~ **or section 2 of this act.** The reward must be paid out of the Graffiti Reward Fund upon approval by the State Board of Examiners.

Sec. 7. NRS 41.0334 is hereby amended to read as follows:

41.0334 1. Except as otherwise provided in subsection 2, no action may be brought under NRS 41.031 or against an officer or employee of the State or any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in NRS 202.810, 205.005 to 205.080, inclusive, 205.220, 205.226, 205.228, 205.240, 205.271 to 205.2741, inclusive, 206.310, 206.330, 207.210, 331.200 or 393.410 ~~or~~ **or section 2 of this act**, at the time the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or

(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:

(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

➤ owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

Sec. 8. NRS 62E.690 is hereby amended to read as follows:

62E.690 1. Except as otherwise provided in this section, if a child is adjudicated delinquent for the unlawful act of placing graffiti on or otherwise defacing public or private property owned or possessed by another person in violation of NRS 206.125 or 206.330 ~~or~~ **or for the unlawful act of carrying**

a graffiti implement in certain places without valid authorization in violation of section 2 of this act, the juvenile court ~~may~~ shall:

(a) If the child possesses a driver's license, issue an order suspending the driver's license of the child for at least ~~[90 days]~~ **1 year** but not more than 2 years; or

(b) If the child does not possess a driver's license and the child is or will be eligible to receive a driver's license within the 2 years immediately following the date of the order, issue an order prohibiting the child from receiving a driver's license for a period specified by the juvenile court which must be at least ~~[90 days]~~ **1 year** but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license; or

(2) After the date the child will be eligible to receive a driver's license, if the child is not eligible to receive a license on the date of the order.

2. If the child is already the subject of a court order suspending or delaying the issuance of his driver's license, the juvenile court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

Sec. 9. NRS 483.250 is hereby amended to read as follows:

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

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

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

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

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

(d) A driver's license to a person who is 16 or 17 years of age pursuant to NRS 483.2521.

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

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

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

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

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

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

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

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

10. To any person who is not eligible for the issuance of a license pursuant to NRS 483.283.

Assemblyman Ocegüera moved that the Assembly adopt the report of the first Conference Committee concerning Assembly Bill No. 14.

Remarks by Assemblyman Ocegüera.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 354.

The following Senate amendment was read:

Amendment No. 975.

AN ACT relating to the health of pupils; requiring that certain physical examinations of children in schools include an examination of height and weight of a representative sample of pupils; **requiring that notice be provided to the parent or guardian of a child before the examinations are performed;** requiring school nurses **or a designee of a school nurse** to report the results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child; requiring the Legislative Committee on Health Care to hold a hearing during the interim concerning the health-related issues of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, physical examinations of children are required in certain grades in school to determine if a child has scoliosis, any visual or auditory problem or any gross physical defect. (NRS 392.420) This bill requires such a physical examination before the completion of the first year of enrollment in elementary school. This bill also requires examinations of height and weight of a representative sample of pupils. This bill authorizes **the board of trustees of a school district to adopt a policy encouraging the school district and schools within the district** ~~[school districts]~~ to collaborate with qualified health care providers and students enrolled in health care programs in postsecondary educational institutions to assist in the physical examinations. **This bill also requires that notice be provided to the parent or guardian of a child before the physical examinations are performed on the child.** This bill requires school nurses **or a designee of a school nurse** to report the results of such physical examinations to the State Health Officer for statistical purposes and to exclude from the reports any identifying information relating to a particular child.

Section 4 of this bill requires the Legislative Committee on Health Care to hold a hearing, during the 2007-2009 interim, concerning the health-related issues of children.

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

Section 1. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district ***in accordance with this subsection*** to determine whether the child has scoliosis, any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems ~~{, in}~~:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least ~~{two grades}~~ one additional grade of the elementary schools ~~{,}~~; and

(3) In one grade of the middle or junior high schools ~~{,}~~ and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

↪ Any person other than a school nurse ***, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils,*** who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

2. ***In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:***

(a) Elementary schools within the school district;

(b) Middle schools or junior high schools within the school district; and

(c) High schools within the school district,

↪ ***The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.***

3. If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.

~~{3-}~~ 4. A special examination for a possible visual or auditory problem must be provided for any child who:

(a) Is enrolled in a special program;

- (b) Is repeating a grade;
- (c) Has failed an examination for a visual or auditory problem during the previous school year; or
- (d) Shows in any other way that he may have such a problem.

~~{4.}~~ 5. The school authorities shall notify the ~~{parents}~~ parent or guardian of any child who is found or believed to have ~~{a}~~ scoliosis, any visual or auditory problem, ~~{scoliosis}~~ or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.

~~{5.}~~ 6. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.

~~{6.}~~ 7. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

8. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from ~~{the}~~ an examination if his ~~{parents}~~ parent or guardian ~~{filed}~~ files with the teacher a written statement objecting to the examination.

9. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing ~~{nursing}~~ services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer shall compile all such information he receives to monitor the health status of children and shall retain the information.

Sec. 2. NRS 392.420 is hereby amended to read as follows:

392.420 1. In each school at which he is responsible for providing nursing services, a school nurse shall plan for and carry out, or supervise qualified health personnel in carrying out, a separate and careful observation and examination of every child who is regularly enrolled in a grade specified by the board of trustees or superintendent of schools of the school district in accordance with this subsection to determine whether the child has scoliosis,

any visual or auditory problem, or any gross physical defect. The grades in which the observations and examinations must be carried out are as follows:

(a) For visual and auditory problems:

(1) Before the completion of the first year of initial enrollment in elementary school;

(2) In at least one additional grade of the elementary schools; and

(3) In one grade of the middle or junior high schools and one grade of the high schools; and

(b) For scoliosis, in at least one grade of schools below the high schools.

➔ Any person other than a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, who performs an observation or examination pursuant to this subsection must be trained by a school nurse to conduct the observation or examination.

~~2. In addition to the requirements of subsection 1, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade of the:~~

~~(a) Elementary schools within the school district;~~

~~(b) Middle schools or junior high schools within the school district; and~~

~~(c) High schools within the school district;~~

➔ ~~The Health Division of the Department of Health and Human Services shall define "representative sample" in collaboration with the school districts for purposes of this subsection.~~

~~3.} If any child is attending school in a grade above one of the specified grades and has not previously received such an observation and examination, he must be included in the current schedule for observation and examination. Any child who is newly enrolled in the district must be examined for any medical condition for which children in a lower grade are examined.~~

~~{4.} 3. A special examination for a possible visual or auditory problem must be provided for any child who:~~

~~(a) Is enrolled in a special program;~~

~~(b) Is repeating a grade;~~

~~(c) Has failed an examination for a visual or auditory problem during the previous school year; or~~

~~(d) Shows in any other way that he may have such a problem.~~

~~{5.} 4. The school authorities shall notify the parent or guardian of any child who is found or believed to have scoliosis, any visual or auditory problem, or any gross physical defect, and shall recommend that appropriate medical attention be secured to correct it.~~

~~{6.} 5. In any school district in which state, county or district public health services are available or conveniently obtainable, those services may be used to meet the responsibilities assigned under the provisions of this section. The board of trustees of the school district may employ qualified personnel to perform them. Any nursing services provided by such qualified personnel must be performed in compliance with chapter 632 of NRS.~~

~~{7-}~~ 6. The board of trustees of a school district may adopt a policy which encourages the school district and schools within the school district to collaborate with:

(a) Qualified health care providers within the community to perform, or assist in the performance of, the services required by this section; and

(b) Postsecondary educational institutions for qualified students enrolled in such an institution in a health-related program to perform, or assist in the performance of, the services required by this section.

~~{8-}~~ 7. The school authorities shall provide notice to the parent or guardian of a child before performing on the child the examinations required by this section. The notice must inform the parent or guardian of the right to exempt the child from all or part of the examinations. Any child must be exempted from an examination if his parent or guardian files with the teacher a written statement objecting to the examination.

~~{9-}~~ 8. Each school nurse or a designee of a school nurse, including, without limitation, a person employed at a school to provide basic first aid and health services to pupils, shall report the results of the examinations conducted pursuant to this section in each school at which he is responsible for providing services to the State Health Officer in the format prescribed by the State Health Officer. Each such report must exclude any identifying information relating to a particular child. The State Health Officer shall compile all such information he receives to monitor the health status of children and shall retain the information.

Sec. 3. (Deleted by amendment.)

Sec. 4. The Legislative Committee on Health Care shall, during the 2007-2009 interim, hold at least one hearing to identify the health-related issues, needs and priorities of children residing in this State. The Committee shall solicit input from all health authorities in this State and all county and local public health officials.

Sec. 5. 1. This section and sections 1 and 4 of this act become effective on July 1, 2007.

2. Section 1 of this act expires by limitation on June 30, 2010.

3. Section 2 of this act becomes effective on July 1, 2010.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 354.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 460.

The following Senate amendment was read:

Amendment No. 995.

AN ACT relating to education; requiring each school district to develop a program to provide enhanced compensation to employees of the school

district; making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish and maintain an automated system of accountability information for Nevada concerning the achievement and proficiency of pupils. Certain information that is collected as part of that system must not be used for the purpose of evaluating an individual teacher or paraprofessional. (NRS 386.650) Section 5.5 of this bill revises existing law to provide that such information may be used for the purpose of evaluating a teacher or paraprofessional as long as it is not used as the sole criterion for evaluation.

Section 6 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 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, a reasonable 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 7 of this bill requires an admonition to 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. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➡ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction ~~but must not~~ **and may** be used for the purpose of evaluating an individual teacher or paraprofessional ~~but~~ **as long as the information is not the sole criterion by which the individual teacher or paraprofessional is evaluated.**

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 6. 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. 7. 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 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. 8. 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. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 460.

Remarks by Assemblywoman Parnell.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 485.

The following Senate amendment was read:

Amendment No. 833.

AN ACT relating to education; revising provisions relating to reports of accountability to include information relating to pupils who drop out of school in grade 8; revising provisions governing the attendance and truancy of pupils; authorizing a juvenile court to order a parent or guardian of a child to pay a fine under certain circumstances if the child is a habitual truant; authorizing a juvenile court to waive certain fines if the parent or guardian is ordered to pay fines in a court of competent jurisdiction; requiring the Legislative Committee on Education to study issues relating to truancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill require a report of pupils who drop out of school in grade 8 to be included in the reports of accountability prepared by the State Board of Education and the boards of trustees of school districts. (NRS 385.3469, 385.347)

Section 3 of this bill requires the board of trustees of a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish a school attendance council. A board of trustees of a school district located in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) is authorized to establish a school attendance council. A school attendance council is required to implement a program to reduce the truancy of pupils and to monitor incidents of truancy of pupils within the district.

Existing law requires an advisory board to review school attendance created pursuant to NRS 392.126 to establish programs to reduce the truancy of pupils in the school district. (NRS 392.128) Section 5 of this bill requires those programs to include the coordination of community services that provide assistance for pupils who are truant from school.

Section 6 of this bill requires the board of trustees of each school district to establish procedures to monitor the attendance and truancy of pupils within the school district.

Existing law makes it unlawful for a person to induce or attempt to induce a child to be unlawfully absent from school. (NRS 392.220) Section 7 of this bill makes the inducement or attempt unlawful if the person knowingly induces or attempts to induce the child to be unlawfully absent from school. Section 7 of this bill also clarifies that a parent or guardian may be in violation of this law if the parent knowingly induces or attempts to induce a child to be unlawfully absent from school.

Under existing law a child who is adjudicated to be in need of supervision because the child is a habitual truant may be ordered to pay a fine. (NRS 62A.430) Section 9 of this bill authorizes the juvenile court to order the parent or guardian of the child to pay a fine if the parent or guardian knowingly induced the child to be a habitual truant. Section 9 also authorizes the juvenile court to waive a fine if a parent or guardian is ordered, by a court of competent jurisdiction, to pay a fine arising out of the same circumstances.

Section 11 of this bill requires the Legislative Committee on Education to ~~form a subcommittee to~~ study the issue of truancy and report its findings to the ~~Committee~~ Legislature on or before ~~August~~ February 1, ~~2008,~~ 2009.

WHEREAS, The graduation rate reported each year by the Department of Education is based on a general count of pupils who entered grade 9 and a count of pupils who receive a diploma or drop out 4 years later; and

WHEREAS, The National Governors Association Task Force on State High School Graduation Data is urging states to adopt a new method for calculating the graduation rate which tracks an individual pupil through his educational career to determine whether the pupil graduates; and

WHEREAS, Nevada has committed to adopting this new method for calculating the graduation rate; and

WHEREAS, The members of the 74th Session of the Nevada Legislature hereby urge the Department of Education to begin using the method for calculating the graduation rate promoted by the National Governors Association as soon as practicable; now, therefore,

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in *grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive*, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. ~~Excluding~~ *The reporting for pupils in grades 9 to 12, inclusive, excludes* pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) The number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a subgroup of pupils must not be made pursuant to this section if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed **educational** personnel ~~{in education}~~ in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the

educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall:

(a) Report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school.

(b) For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.

(c) Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(5) The percentage of pupils who were not tested;

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3);

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available;

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison; and

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➡ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty

schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in *grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive*, for each such grade, for each school in the district and for the district as a whole . ~~[-excluding]~~ *The reporting for pupils in grades 9 to 12, inclusive, excludes* pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with

respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Department of Administration; and
- (6) Legislative Counsel Bureau,

➡ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district located:

(a) In a county whose population is 100,000 or more, shall establish not less than one school attendance council within the school district.

(b) In a county whose population is less than 100,000, may establish a school attendance council within the school district.

2. A school attendance council established by the board of trustees must consist of members whose professional responsibilities relate to the prevention of truancy and the enforcement of laws relating to truancy, which may include, without limitation, a person in charge of monitoring attendance within the school district or a school, a representative from an agency which provides child welfare services, a representative from a law enforcement agency and a representative of the district attorney.

3. A school attendance council shall:

(a) Assist in the implementation of a program to reduce the truancy of pupils adopted by the advisory board to review school attendance pursuant to NRS 392.128.

(b) Monitor each incident involving the truancy of a pupil within the school district and document the efforts made by each school and the school district to assist the pupil in attending school.

(c) Monitor excessive absences of pupils within the school district and document the efforts made by each school and the school district to assist pupils in attending school.

(d) Prepare an annual report which includes a compilation of the disposition of incidences involving the truancy of pupils during the immediately preceding school year. On or before August 1 of each year the report must be submitted to the Department and the Legislative Committee on Education. The annual report must not disclose the identity of an individual pupil.

(e) Receive and retain a report from a family resource center or other provider of community services that assists pupils who are truant. As used in this paragraph, "family resource center" has the meaning ascribed to it in NRS 430A.040.

Sec. 4. NRS 392.127 is hereby amended to read as follows:

392.127 The board of trustees of each school district shall provide administrative support to ~~each advisory~~:

1. Each advisory board to review school attendance created in its county pursuant to NRS 392.126.

2. If applicable, each school attendance council established pursuant to section 3 of this act.

Sec. 5. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district pursuant to subsection 7 of NRS 385.347;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district ~~to~~, ***including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;***

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chairman of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chairman of an advisory board divides the advisory board into subcommittees, the chairman shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. ***An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.***

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 6. NRS 392.150 is hereby amended to read as follows:

392.150 1. The board of trustees of a school district may ~~be~~

1. ~~Appoint~~ **appoint** an attendance officer ~~for the school district~~, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. ***If the board of trustees appoints an attendance officer for the school district, the board of trustees may:***

- ~~{2.}~~ (a) Fix his compensation ~~for~~;
- ~~{3.}~~ (b) Prescribe his duties ~~for~~; **and**
- ~~{4.}~~ (c) Adopt regulations not inconsistent with law for the performance of his duties.

2. The board of trustees of each school district shall:

(a) ***Establish procedures to monitor the attendance and truancy of pupils, including, without limitation, a standard method for reporting the truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;***

(b) ***Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and***

(c) ***Determine, based on the attendance and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.***

Sec. 7. NRS 392.220 is hereby amended to read as follows:

392.220 1. Any person , ***including, without limitation, a parent or legal guardian of a child,*** who ***knowingly*** induces or attempts to induce any child to be absent from school unlawfully, ***including, without limitation, requiring the child to provide care for a sibling while school is in session,*** or who knowingly employs or harbors, while school is in session, any child absent unlawfully from school, is guilty of a misdemeanor.

2. The attendance officer ***for the school district, an attendance clerk*** or any other school officer is empowered to visit any place or establishment where minor children are employed to ascertain whether the provisions of this title of NRS are complied with fully, and may demand from all employers of such children a list of children employed, with their names and ages.

Sec. 8. NRS 62E.270 is hereby amended to read as follows:

62E.270 1. If the juvenile court imposes a fine against:

- (a) A delinquent child pursuant to NRS 62E.730;
- (b) A child who has committed a minor traffic offense, except an offense related to metered parking, pursuant to NRS 62E.700; or
- (c) A child in need of supervision , ***or the parent or guardian of the child,*** because the child is a habitual truant pursuant to NRS 62E.430,

➡ the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of \$10 in addition to the fine.

2. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.

3. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.

4. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.

5. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.

Sec. 9. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. If a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~{the child to:~~

~~{Pay}:~~

(I) The child to pay a fine of not more than \$100 and the administrative assessment required by NRS 62E.270 ~~{;}~~ ***or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;*** or

(II) ~~{Perform}~~ ***The child to perform*** not less than 8 hours but not more than 16 hours of community service; and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order ~~{the child to:~~

~~{Pay}:~~

(I) The child to pay a fine of not more than \$200 and the administrative assessment required by NRS 62E.270 ~~{;}~~ ***or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;***

(II) ~~{Perform}~~ ***The child to perform*** not more than 10 hours of community service; or

(III) ~~Comply~~ **Compliance** with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to his teacher or the principal for any absence from school within that period.

3. ***The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.***

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

Sec. 10. NRS 430A.160 is hereby amended to read as follows:

430A.160 1. Each family resource center shall provide referrals to obtain, if available, the following services:

- (a) Education on caring for infants and day care services for infants;
- (b) Education on parenting;
- (c) Health care services for children, including all required immunizations;
- (d) Programs to identify and assist developmentally disabled infants and young children of up to 5 years of age;
- (e) Day care for children who are old enough to attend school, both before and after school;
- (f) Programs to assist senior citizens;
- (g) Programs to supplement formal education, including, without limitation, mentor programs for pupils in elementary and secondary schools, literacy programs, programs that encourage parental involvement in school, programs that teach English as a second language, programs to assist in the naturalization process and other alternative educational programs;
- (h) Programs to teach adults and children skills for employment and self-sufficiency;
- (i) Services that will assist families with physical and mental health issues, the special needs of children, food and nutritional needs, recreational needs, housing problems, domestic violence and substance abuse;

(j) Programs designed to reduce the rate of pregnancies in unmarried teenage girls;

(k) Programs designed to *assist pupils who are truant from school and to* reduce the rate at which pupils drop out of school;

(l) Transportation services, particularly to assist people in traveling to the social service agencies from which they may be receiving services pursuant to this section;

(m) Classes that teach alternative means of resolving disputes that arise in the family; and

(n) Any other services for which the communities that the family resource center serves have a need.

2. Each family resource center may offer services directly through its own employees and resources or contract with social service agencies to provide services, or may do both.

3. Any family resource center that offers services directly through its own employees and resources shall comply with all applicable state and federal laws and regulations regarding the delivery of the services.

Sec. 11. 1. ~~The [Chairman of the] Legislative Committee on Education shall [appoint a subcommittee of the members of the Committee to]~~ study issues relating to truancy during the 2007-2009 interim.

2. ~~The [subcommittee appointed pursuant to subsection 1 shall]~~

~~(a) Study and evaluate truancy and issues]~~ **study must include, without limitation, a review of:**

(a) **Issues** relating to pupils who are truant from school, including, without limitation, measures of prevention, intervention and diversion and the imposition of appropriate discipline.

(b) ~~[Examine the]~~ **The** effectiveness of existing programs designed to reduce the number of pupils who are truant from school and identify programs throughout the State or in other states that are effective.

(c) ~~[Develop recommendations]~~ **Recommendations** for a plan to reduce the number of pupils who are truant from school.

3. ~~[On or before August 1, 2008, the subcommittee appointed pursuant to subsection 1 shall submit to the Legislative Committee on Education:~~

~~(a) A report of its findings; and~~

~~(b) Requests for the drafting of not more than five legislative measures which relate to matters within the scope of the study conducted by the subcommittee. Such requests are in addition to the number of requests authorized for the Legislative Committee on Education in paragraph (a) of subsection 3 of NRS 218.2429.~~

~~4. The Legislative Committee on Education shall:~~

~~(a) Approve or deny the requests for the drafting of legislative measures of the subcommittee; and~~

~~(b) On or before February 1, 2009, the Legislative Committee on Education shall submit the report of [the subcommittee] its findings and~~

any recommendations to the Director of the Legislative Counsel Bureau for transmission to the 75th Session of the Nevada Legislature.

Sec. 12. The provisions of section 9 of this act do not apply to a parent or guardian of a child who is adjudicated in need of supervision because he is a habitual truant if all acts of truancy occurred before July 1, 2007.

Sec. 13. This act becomes effective on July 1, 2007.

Assemblywoman Parnell moved that the Assembly concur in the Senate amendment to Assembly Bill No. 485.

Remarks by Assemblywoman Parnell.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assemblyman Mabey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12 noon.

Madam Speaker presiding.

Quorum present.

Assembly Bill No. 50.

The following Senate amendment was read:

Amendment No. 759.

SUMMARY—~~{Amends the exceptions authorizing the release of the home address of a peace officer by a law enforcement agency in certain circumstances.}~~ **Makes various changes to provisions relating to peace officers.** (BDR 23-146)

AN ACT relating to peace officers; **requiring law enforcement agencies to adopt policies and procedures that provide for the acceptance of service of any legal process on behalf of peace officers;** amending the exceptions that authorize the release of the home address of a peace officer by a law enforcement agency in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~{This}~~ **Section 1 of this bill requires law enforcement agencies to adopt policies and procedures that provide for the acceptance of service of any legal process on behalf of peace officers.**

Existing law provides that the home address of a peace officer is not public information and is confidential unless the peace officer authorizes the release of the address or has been arrested. (NRS 289.025) Section 2 of this bill authorizes the release of the home address of a peace officer to the public **only** if the officer has been arrested and the home address is included

in a report of a 911 telephone call, a police report, a witness statement or certain reports relating to the custody of a child. (NRS 289.025)

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt policies and procedures that provide for the acceptance of service of any legal process that is served on a peace officer employed by the law enforcement agency.

2. The policies and procedures required by subsection 1 must include, without limitation:

(a) At least one centralized location at which service of legal process will be accepted on behalf of peace officers.

(b) At least a 4-hour consecutive period on each workday when service of legal process will be accepted at any location specified pursuant to paragraph (a).

3. Each law enforcement agency shall:

(a) Post a copy of the policies and procedures adopted pursuant to subsection 1 in a conspicuous place at each location described in paragraph (a) of subsection 2; and

(b) Upon request, provide a copy of the policies and procedures adopted pursuant to subsection 1 to any member of the public.

4. Any legal process to be served upon a peace officer may be served in the manner provided by the policies and procedures adopted pursuant to subsection 1.

5. This section provides an additional manner of serving legal process, and does not affect the validity of any other valid service.

6. As used in this section, "legal process" means a subpoena, any civil or criminal process or any demand or notice authorized by law to be served upon a person.

~~{Section 1.}~~ **Sec. 2.** NRS 289.025 is hereby amended to read as follows:

289.025 1. Except as otherwise provided in ~~{subsection 2.}~~ **subsections 2 and 3**, the home address and any photograph of a peace officer in the possession of a law enforcement agency are not public information and are confidential.

2. The ~~{home address and}~~ photograph of a peace officer may be released:

(a) If the peace officer authorizes the release; or

(b) If the peace officer has been arrested.

3. ***The home address of a peace officer may be released if a peace officer has been arrested and the home address is included in any of the following:***

(a) A report of a 911 telephone call.

(b) A police report, investigative report or complaint which a person filed with a law enforcement agency.

(c) A statement made by a witness.

(d) A report prepared pursuant to NRS 432B.540 by an agency which provides child welfare services, which report details a plan for the placement of a child.

Sec. 3. NRS 174.345 is hereby amended to read as follows:

174.345 1. Except as otherwise provided in NRS 174.315 and subsection 2, a subpoena may be served by a peace officer or by any other person who is not a party and who is not less than 18 years of age. ~~[Service]~~ **Except as otherwise provided in section 1 of this act, service** of a subpoena must be made by delivering a copy thereof to the person named.

2. Except as otherwise provided in NRS 174.315, a subpoena to attend a misdemeanor trial may be served by mailing the subpoena to the person to be served by registered or certified mail, return receipt requested from that person, in a sealed postpaid envelope, addressed to the person's last known address, not less than 10 days before the trial which the subpoena commands him to attend.

3. If a subpoena is served by mail, a certificate of the mailing must be filed with the court within 2 days after the subpoena is mailed.

~~[Sec. 2.]~~ **Sec. 4.** This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 50.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered to transmitted to the Senate.

UNFINISHED BUSINESS SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 25, 87, 92, 193, 247, 263, 296, 364, 373, 386, 404, 410, 439, 490, 498, 514, 526, 558, 562, 592, and 600.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Ruff, Cassie Funk, and John Corbin.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Reynolds, Beth Honebein, and Anthony Baerlocher.

On request of Assemblywoman Gansert, the privilege of the floor of the Assembly Chamber for this day was extended to Chip Evans.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from East Valley Elementary School: Judy Haynes, Jazmyn Simone Battle, McKenzi Celeste Bowen, Emily Nicole Bruce, Tarin Nichole Butchert, Jeremiah Jakob Carpenter, Rudy S. Cuellar, Brooke Lauren Curtis, Simone Alycia Daniels, Cody Ryan Frontino, Jaryd Archimedes Gray, Christopher Joel Grgich, Austin Michael Grooms, Brianna Zoey Houchin-Samuel, Chandler Alexander Kremin, Robert Bradley Krolnik, Haley Louise Machell, Alexandra Lillie Mayfield, Jasmine Cecilia Anne Morris, Celeste Rita Quinn, Colby James Souza, Monica Lee Trout, Kelly Ann Tudit, Amber Marie Tuller, Nicholas Sterling Waldron, Zachary Tyler Walker, Shiloh Hunter Blue Weaver, Ryan Matthew Wilson, James Joseph Blackmun, and James Earl Myers.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Daugherty.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Saba Alim, Ejaz Kamboj, and Sana Kamboj.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Truckee Meadows Community College High School: Chris Barrett, Launie Gardner, Brooke Allred, Alexander Biber, Justin Cotton, Afton Crites, Lyssa Dressler, Sharee Gillies, Amber Hull, Trever Jackson, Mariah Laursen, Heather Lukaesko, Alexia McMeekin, Andrew Peterson, Shelley Smith, Austin Thomas, Brandy Thurman, Sarah Villa , Alexander White, Ying Zhang, Haley Bond, Ashley Chappell, Nicholas Chrysanthou, Megan Evans, Marc Favia, Megan Gale, Hayley Garcia, Margaret Keckley, Cort Larson, Nicholas Lieberman, Samantha Reed, Janna Riggins, Yessenia Wells, Elizabeth Wilson, Rebecca Bradley, Steven Collier, Thomas Dixon, Alex Estrada, Jake Goforth, Margaret Tuhus, Dorie Guy, Laynette Evans, and Liz Brown.

Assemblyman Ocegura moved that the Assembly adjourn until Wednesday, May 30, 2007, at 11 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved:

BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL

Chief Clerk of the Assembly