

**THE ONE HUNDRED AND FIFTEENTH DAY**

---

CARSON CITY (Wednesday), May 30, 2007

Senate called to order at 11:44 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

O Lord, let not my unworthiness stand between You and the members of this body as we join in prayer.

Hear not the voice that speaks, but listen to the yearnings of the hearts now open before You in this moment when each one of us is alone with You.

May the love of God, which is broader than the measure of man's mind; the grace of our Lord Jesus Christ, which is sufficient for all our needs; and the fellowship of the Holy Spirit, who shall lead us into all truth, be with us all this day.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

## REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Finance, to which were referred Senate Bills Nos. 331, 461, 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 Finance, to which was rereferred Senate Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

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

Your Committee on Judiciary, to which was referred Assembly Bill No. 579, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARK E. AMODEI, *Chair*

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 29, 2007

*To the Honorable the Senate:*

I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 186, 197, 584.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 517, Amendment No. 1053, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 17.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendments Nos. 994, 997 to Assembly Bill No. 209; Senate

Amendment No. 975 to Assembly Bill No. 354; Senate Amendment No. 833 to Assembly Bill No. 485; Senate Amendment No. 931 to Assembly Bill No. 573.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 759 to Assembly Bill No. 50; Senate Amendment No. 995 to Assembly Bill No. 460; Senate Amendment No. 803 to Assembly Bill No. 461.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the first Conference Committee concerning Assembly Bill No. 14.

LUCINDA BENJAMIN

*Assistant Chief Clerk of the Assembly*

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 186.

Senator Nolan moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 197.

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

Motion carried.

Assembly Bill No. 584.

Senator Nolan moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 555.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1048.

"SUMMARY—Makes appropriations to the Department of Public Safety. (BDR S-1266)"

"AN ACT making appropriations to the Department of Public Safety from both the State General Fund and the State Highway Fund; 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. 1. There is hereby appropriated from the State General Fund to the Investigation Division of the Department of Public Safety the sum of ~~[\$330,022]~~ \$300,525 to partially fund replacement vehicles and associated equipment, and for personal computers, laptop computers, printers and related software.

2. There is hereby appropriated from the State General Fund to the Division of Emergency Management of the Department of Public Safety the sum of ~~[\$75,371]~~ \$66,740 for computer hardware and software and ID cards and ~~[door locks.]~~ door lock system.

3. There is hereby appropriated from the State General Fund to the State Fire Marshal Division of the Department of Public Safety the sum of ~~[\$264,981]~~ \$222,551 to replace seven older, unreliable agency-owned vehicles and to replace personal computers, laptop computers and printers.

4. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public Safety the sum of ~~[\$420,422]~~ \$381,672 to replace ~~tworn and damaged office furniture and file cabinets, outdated or nonfunctional equipment, and~~ 114 computers in each year of the biennium.

5. There is hereby appropriated from the State General Fund to the Department of Public Safety for the State Board of Parole Commissioners the sum of ~~[\$96,076]~~ \$89,771 to incorporate the Board's practices, decisions and analysis into the Nevada Offender Tracking and Information System and to replace computer hardware and software.

6. There is hereby appropriated from the State General Fund to the Training Division of the Department of Public Safety the sum of ~~[\$6,715]~~ \$24,921 to partially fund the replacement of computer hardware and software, classroom furniture and protective suits.

Sec. 2. 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of ~~[\$15,177,322]~~ \$12,633,597 to fund over 300 new and replacement vehicles and ~~(to replace)~~ related equipment, aircraft navigational and communications equipment, video cameras for patrol vehicles and ~~(four)~~ seven motorcycles.

2. There is hereby appropriated from the State Highway Fund to the Training Division of the Department of Public Safety the sum of ~~[\$60,435]~~ \$37,381 to partially fund computer hardware and software, classroom furniture and protective suits.

3. There is hereby appropriated from the State Highway Fund to the Investigation Division of the Department of Public Safety the sum of \$29,941 to partially fund the replacement of computer equipment and vehicles.

Sec. 3. Any remaining balance of the appropriations made by sections 1 and 2 of this act must not be committed for expenditure after June 30, 2009, by the entity to which the appropriations are made or any entity to which money from the appropriations 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. 4. This act becomes effective upon passage and approval.

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Senator Carlton disclosed that her husband is a state employee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1061.

"SUMMARY—Provides for high school reform. (BDR 34-118)"

"AN ACT relating to education; requiring the boards of trustees of school districts to prescribe a policy for the development of 4-year academic plans for pupils enrolled in high school; requiring the principals of certain larger high schools to provide for a program of ~~for~~ small learning communities; ~~[ninth grade school within a school];~~ requiring the State Board of Education to prescribe a uniform grading scale for high schools; requiring each school district to adopt a policy setting forth the duties of school counselors; expanding the age for compulsory school attendance from 17 years to 18 years; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the system of public instruction for this State and defines the different kinds of public schools in this State. (Chapter 388 of NRS) A high school is a public school in which subjects above the eighth grade are taught. (NRS 388.020)

Section 2 of this bill requires the board of trustees of each school district to adopt a policy for each public school of the school district in which ninth grade pupils are enrolled, to develop a 4-year academic plan for each of those pupils. The academic plan must be developed in consultation with the pupil, the pupil's parent or legal guardian and a school counselor. The plan must include the specific educational goals that the pupil intends to complete before graduation from high school. If the pupil does not satisfy all the goals contained in the plan, the pupil is still eligible for a diploma if he otherwise satisfies the requirements for receipt of a diploma.

Section 3 of this bill requires the board of trustees of each school district that includes at least one high school in which 1,200 pupils or more are enrolled, including ninth grade pupils, to adopt a policy for each of those high schools to provide a program of ~~for~~ small learning communities. ~~[ninth grade school within a school].~~ The principal of each such high school must carry out the program. The program consists of the designation of a separate geographic location within the high school in which ninth grade pupils attend classes where practicable, the identification of any special needs for counseling or remediation for a ninth grade pupil and the assignment of certain personnel at the high school specifically for the ninth grade pupils.

Section 4 of this bill requires the State Board of Education to prescribe a uniform grading policy for all public high schools. The board of trustees of

each school district and the governing body of each charter school that operates as a high school shall comply with the policy.

Section 5 of this bill requires the board of trustees of each school district to adopt a policy that sets forth the duties, roles and responsibilities of school counselors. The policy must be designed to ensure that school counselors are allotted sufficient time in each school year to carry out school counseling and to limit the amount of time school counselors are required to assist with the administration and coordination of tests.

Existing law establishes the ages for compulsory public school attendance at 7 to 17 years of age. (NRS 392.040) Section 6 of this bill expands the age to 18 years unless the child has graduated from high school.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.*

2. *The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:*

*(a) Work in consultation with a school counselor to develop an academic plan for the pupil;*

*(b) Sign the academic plan; and*

*(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.*

3. *If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.*

4. *An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if he otherwise satisfies the requirements for a diploma.*

Sec. 3. 1. *The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a policy for each of those high schools to provide a program of ~~for a ninth grade school within a school.~~ small learning communities. The policy must require:*

(a) Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

↪ specifically for the pupils enrolled in ninth grade.

2. The principal of each high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, shall:

(a) Carry out a program of ~~for a ninth grade school within a school~~ small learning communities in accordance with the policy prescribed by the board of trustees pursuant to subsection 1; and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Sec. 4. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for advanced placement courses and honors courses.

2. The board of trustees of each school district and the governing body of each charter school that operates as a high school shall comply with the uniform grading scale.

Sec. 5. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of trustees of each school district shall adopt a policy that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. The policy must:

1. Be designed to ensure that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

2. Limit the amount of time that school counselors are required to assist with test administration and test coordination at a public school.

Sec. 6. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and ~~17~~ 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides ~~[-]~~ *unless the child has graduated from high school.*

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➔ and his enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance

does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

↪ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before September 30 of the next school year; and

(b) Whose parents waived his attendance from kindergarten pursuant to subsection 4,

↪ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 7. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of 14 and ~~17~~ 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the



child from such attendance. The board's written authority ~~[shall]~~ *must* state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit ~~[shall]~~ *must* be kept on file by the employer ~~[and]~~ and, upon the termination of employment ~~[shall]~~, *must* be returned by the employer to the board of trustees or other authority issuing it.

Sec. 8. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of his teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. The teacher or principal shall give his written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, he must receive the approval of the teacher or principal.

2. An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

3. If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

4. An absence which has not been approved pursuant to subsection 1 or 3 shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written notice must be delivered to the parent, legal guardian or other person who has control of the child. The written notice must inform the parents or legal guardian of such absences in a form specified by the Department.

5. As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

6. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the] The provisions of this section apply to all pupils who are less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.] required to attend school pursuant to NRS 392.040.~~

Sec. 9. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written:

(a) Approval of his teacher or the principal of the school pursuant to subsection 1 of NRS 392.130; or

(b) Notice of his parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,  
→ may again be declared a habitual truant.

3. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~  
The provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ *required to attend school pursuant to NRS 392.040.*

Sec. 10. NRS 392.141 is hereby amended to read as follows:

392.141 ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~ The provisions of NRS 392.144, 392.146 and 392.147 apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ *required to attend school pursuant to NRS 392.040.*

Sec. 11. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. ~~[Notwithstanding the provisions of NRS 392.040 to the contrary, the]~~  
The provisions of this section apply to all pupils who are ~~[less than 18 years of age and enrolled in public schools, including, without limitation, pupils who are 17 years of age or older but less than 18 years of age.]~~ *required to attend school pursuant to NRS 392.040.*

Sec. 12. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of 7 and ~~[17]~~ 18 years; and

(b) Any child who has arrived at the age of 6 years but not at the age of 7 years and is enrolled in a public school,

↪ who has been reported to him by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which he is lawfully required to attend.

2. ~~{Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant any child who is 17 years of age or older but less than 18 years of age if:~~

~~(a) The child is enrolled in a public school; and~~

~~(b) A teacher, superintendent of schools or other school officer has reported the child as absent from instruction.~~

3. Except as otherwise provided in subsection {4:} 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

{4:} 3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is ~~{17}~~ *under 18 years of age {or younger} and required to attend school pursuant to NRS 392.040* for violation of any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written report of the investigation and the findings thereof in the records of the board.

Sec. 14. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is ~~{17}~~ *under 18 years of age {or younger} and required to attend school pursuant to NRS 392.040* has violated any of the provisions of NRS 392.040 to 392.110, inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 15. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control

or charge of any child who is ~~[17]~~ *under 18* years of age ~~[or younger]~~ and required to attend school pursuant to NRS 392.040 and who violates any of the provisions of law requiring the attendance of children in the public schools of this State.

Sec. 16. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to 392.110, inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

↪ of a child under ~~[17]~~ *18* years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 16.5. NRS 394.145 is hereby amended to read as follows:

394.145 1. A private elementary or secondary school in this State shall not permanently admit any child until the parent or guardian of the child furnishes a birth certificate or other document suitable as proof of the child's identity and, if applicable, a copy of the child's records from the school he most recently attended.

2. Except as otherwise provided in subsection 3, a child must be admitted to a school under his name as it appears in the identifying document or records required by subsection 1, unless the parent or guardian furnishes a court order or decree authorizing a change of name or directing the principal or other person in charge of that school to admit the child under a name other than the name which appears in the identifying document or records.

3. A child who is in the custody of the agency which provides child welfare services, as defined in NRS 432B.030, may be admitted to a school under a name other than the name which appears in the identifying document or records required by subsection 1 if the court determines that to do so would be in the best interests of the child.

4. If the parent or guardian fails to furnish the identifying document or records required by subsection 1 within 30 days after the child is conditionally admitted, the principal or other person in charge of the school shall notify the local law enforcement agency and request a determination as to whether the child has been reported as missing.

5. Any parent, guardian or other person who, with intent to deceive under this section:

- (a) Presents a false birth certificate or record of attendance at school; or
- (b) Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4,

↪ of a child under ~~[17]~~ 18 years of age who is under his control or charge, is guilty of a misdemeanor.

Sec. 17. 1. On or before October 1, 2007, the board of trustees of each school district shall adopt a policy required by section 5 of this act that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to chapter 391 of NRS and employed as school counselors. Each board of trustees shall submit the policy to the Department of Education.

2. On or before December 1, 2007, the Department of Education shall submit a written report to the Legislative Committee on Education that summarizes the policies adopted by school districts pursuant to section 5 of this act.

3. On or before December 1, 2008, the board of trustees of each school district shall submit a written report to the Department of Education that sets forth:

(a) A description of the policy adopted pursuant to section 5 of this act;

(b) An evaluation of the effectiveness of the policy in ensuring that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and

(c) The percentage of time that school counselors were assigned to assist with test administration and test coordination at a public school after the adoption of the policy pursuant to section 5 of this act.

4. On or before February 1, 2009, the Department of Education shall compile the written reports submitted pursuant to subsection 3 and submit a written report of the compilation to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 18. This act becomes effective on July 1, 2007.

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Rhoads moved that Senate Bill No. 189 be taken from the General File and placed on the General File for the next legislative day.

Remarks by Senator Rhoads.

Motion carried.

Senator Nolan moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 11:57 a.m.

SENATE IN SESSION

At 11:58 a.m.

President Krolicki presiding.

Quorum present.

Senator Nolan moved that the action whereby Assembly Bill No. 584 was referred to the Committee on Legislative Operations and Elections be rescinded.

Remarks by Senator Nolan.

Motion carried.

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

Remarks by Senator Nolan.

Motion carried.

Senator Townsend moved that Assembly Bill No. 161 be taken from the General File and placed on the Secretary's desk.

Remarks by Senator Townsend.

Motion carried.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:01 p.m.

SENATE IN SESSION

At 12:03 p.m.

President Krolicki presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 192.

Bill read third time.

Roll call on Senate Bill No. 192:

YEAS—21.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 321.

Bill read third time.

Roll call on Senate Bill No. 321:

YEAS—21.

NAYS—None.

Senate Bill No. 321 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 341.

Bill read third time.

Roll call on Senate Bill No. 341:

YEAS—21.

NAYS—None.

Senate Bill No. 341 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 381.

Bill read third time.

The following amendment was proposed by Senator Amodei:

Amendment No. 1054.

"SUMMARY—Authorizes the Chairman of the State Gaming Control Board to allow abatements of certain license fees paid by certain gaming licensees. (BDR 41-1130)"

"AN ACT relating to gaming; authorizing the Chairman of the State Gaming Control Board to allow abatements of certain license fees paid by certain gaming licensees; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, gaming licensees are required to pay license fees to the Nevada Gaming Commission based upon their gross revenue. (NRS 463.370) This bill authorizes the Chairman of the State Gaming Control Board to allow abatements of those license fees if a licensee seeks and obtains certification as a "reinvestment licensee." To obtain such certification, the licensee must meet certain criteria, such as holding a nonrestricted license, not exceeding the maximum gross revenue for a fiscal year, offering full-time employees health care coverage and either: (1) maintaining a certain number of full-time employees at an establishment for which abatements of license fees are sought and paying those full-time employees certain wages; or (2) having obtained a reduction in taxable value. Any abatements of license fees that are authorized must be expended for purposes related to reinvestment in the establishment, such as enhancements to gaming devices, making capital improvements to the establishment or defraying the costs of compliance with regulatory requirements. A reinvestment licensee may begin accruing credits for abatements of license fees on July 1, 2007, and may begin taking such credits against license fees imposed on gross revenue received on or after July 1, 2009.

This bill becomes effective on July 1, 2007, and expires by limitation on June 30, 2011 ~~FF~~, for the purpose of the accrual by a reinvestment licensee of credits for abatements of license fees, and on June 30, 2013, for the purpose of the taking by a reinvestment licensee of credits for abatements of license fees.

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A licensee that is eligible for certification as a reinvestment licensee pursuant to subsection 2 may file a request, on a form provided by the Board, with the Chairman of the Board for certification as a reinvestment licensee for one or more establishments operated by the licensee. If a request for certification as a reinvestment licensee is approved, the Chairman or his designee may authorize abatements of the license fees required to be paid pursuant to NRS 463.370 in an amount that does not exceed \$150,000 for each establishment for which abatements of license fees are sought that is operated by the reinvestment licensee during each fiscal year.*

2. *To be eligible for certification as a reinvestment licensee, a licensee must provide evidence of the following:*

(a) *The licensee must hold a nonrestricted license for the operation of 16 or more slot machines or for the operation of any number of slot machines together with any other game, gaming device, race book or sports pool at one establishment.*

(b) *The licensee must have had gross revenue of less than \$50,000,000 in the fiscal year immediately preceding the year in which abatements of license fees are proposed to be taken pursuant to this section.*

(c) *The licensee must provide health insurance coverage or a health benefit plan for all full-time employees pursuant to subsection 1 of NRS 363B.115, and such health insurance coverage or such a health benefit plan must include an option for coverage for dependents of the employees.*

(d) *The licensee must either:*

(1) *Have 15 or more full-time employees employed on the premises of each establishment for which abatements of license fees are sought, as evidenced by the report filed by the licensee pursuant to NRS 612.535, and the average hourly wage earned by the full-time employees at the establishment must be at least 150 percent of the ~~state~~ federal minimum wage; or*

(2) *Have obtained, pursuant to the provisions of NRS 361.227 and 361.2285, a reduction of the taxable value of the real and personal property of the establishment for which abatements of license fees are sought.*

3. *The Chairman or his designee may approve a request for certification as a reinvestment licensee if the Chairman or his designee finds that the licensee satisfies the criteria set forth in subsection 2.*

4. *If the Chairman or his designee approves a request for certification as a reinvestment licensee and authorizes abatements of the license fees required to be paid pursuant to NRS 463.370, not later than 120 days after completion of the fiscal year in which abatements of license fees are taken, the reinvestment licensee shall certify to the Board that abatements of license fees taken have been applied on a dollar-for-dollar basis against actual*



*expenses incurred or reinvestments in its gaming business made by the reinvestment licensee in the fiscal year for which the abatements of license fees were authorized, for any of the following:*

*(a) Expenditures made by the reinvestment licensee for the purchase or lease of gaming devices or associated equipment, including, without limitation, software and enhancements to such gaming devices and associated equipment used at the gaming establishment;*

*(b) Expenditures made by the reinvestment licensee for capital improvements to the establishment for the purpose of updating, upgrading or expanding its gaming facility or adding or enhancing public safety and security systems and related improvements to the premises; or*

*(c) Any expenses incurred by the reinvestment licensee to comply with any requirements imposed on the reinvestment licensee pursuant to regulations or technical standards adopted by the Commission.*

*5. If a reinvestment licensee:*

*(a) Ceases its gaming operations before the expiration of any period for which abatements of license fees have been taken; or*

*(b) Fails to certify that expenses authorized to be taken against abatements of license fees have been taken or, after certifying as to such expenses or reinvestments, fails to produce reasonable and adequate records as to such expenditures upon audit by the Board,*

*➤ the reinvestment licensee shall repay to the Commission the amount of any abatements of license fees taken plus interest on the amount due to the Commission at the rate most recently established pursuant to NRS 99.040 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 abatements of license fees not been authorized until the date of payment of the fee.*

*6. A licensee who has requested certification or been certified as a reinvestment licensee pursuant to this section and who is aggrieved by a final decision of the Chairman or his designee may, within 60 days after it becomes final, petition for judicial review in the manner provided by NRS 463.315 to 463.318, inclusive.*

*7. Credits for abatements of license fees based upon expenditures authorized pursuant to subsection 4 may be accrued beginning on July 1, 2007, and a reinvestment licensee may take such credits against license fees imposed on the gross revenue of the reinvestment licensee received on or after July 1, 2009.*

*8. The Commission may adopt such regulations as the Commission determines to be necessary to carry out the provisions of this section.*

Sec. 2. NRS 463.370 is hereby amended to read as follows:

463.370 1. Except as otherwise provided in NRS 463.373 ~~and~~ *and section 1 of this act*, the Commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:

(a) Three and one-half percent of all the gross revenue of the licensee which does not exceed \$50,000 per calendar month;

(b) Four and one-half percent of all the gross revenue of the licensee which exceeds \$50,000 per calendar month and does not exceed \$134,000 per calendar month; and

(c) Six and three-quarters percent of all the gross revenue of the licensee which exceeds \$134,000 per calendar month.

2. Unless the licensee has been operating for less than a full calendar month, the Commission shall charge and collect the fee prescribed in subsection 1, based upon the gross revenue for the preceding calendar month, on or before the 24th day of the following month. Except for the fee based on the first full month of operation, the fee is an estimated payment of the license fee for the third month following the month whose gross revenue is used as its basis.

3. When a licensee has been operating for less than a full calendar month, the Commission shall charge and collect the fee prescribed in subsection 1, based on the gross revenue received during that month, on or before the 24th day of the following calendar month of operation. After the first full calendar month of operation, the Commission shall charge and collect the fee based on the gross revenue received during that month, on or before the 24th day of the following calendar month. The payment of the fee due for the first full calendar month of operation must be accompanied by the payment of a fee equal to three times the fee for the first full calendar month. This additional amount is an estimated payment of the license fees for the next 3 calendar months. Thereafter, each license fee must be paid in the manner described in subsection 2. Any deposit held by the Commission on July 1, 1969, must be treated as an advance estimated payment.

4. All revenue received from any game or gaming device which is operated on the premises of a licensee, regardless of whether any portion of the revenue is shared with any other person, must be attributed to the licensee for the purposes of this section and counted as part of the gross revenue of the licensee. Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any game, gaming device or inter-casino linked system that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the 24th day of each calendar month. The proportionate share of an operator of an inter-casino linked system must be based on all compensation and other consideration received by the operator of the inter-casino linked system, including, without limitation, amounts that accrue to the meter of the primary progressive jackpot of the inter-casino linked system and amounts that fund the reserves of such a jackpot, subject to all appropriate adjustments for deductions, credits, offsets and exclusions that the licensee is entitled to take or receive pursuant to the provisions of this

chapter. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any game, gaming device or inter-casino linked system that is operated on the premises of the licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

5. An operator of an inter-casino linked system shall not enter into any agreement or arrangement with a licensee that provides for the operator of the inter-casino linked system to be liable to the licensee for less than its full proportionate share of the license fees paid by the licensee pursuant to this section, whether accomplished through a rebate, refund, charge-back or otherwise.

6. Any person required to pay a fee pursuant to this section shall file with the Commission, on or before the 24th day of each calendar month, a report showing the amount of all gross revenue received during the preceding calendar month. Each report must be accompanied by:

(a) The fee due based on the revenue of the month covered by the report; and

(b) An adjustment for the difference between the estimated fee previously paid for the month covered by the report, if any, and the fee due for the actual gross revenue earned in that month. If the adjustment is less than zero, a credit must be applied to the estimated fee due with that report.

7. If the amount of license fees required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid, the Commission shall:

(a) Charge and collect the additional license fees determined to be due, with interest thereon until paid; or

(b) Refund any overpayment to the person entitled thereto pursuant to this chapter, with interest thereon.

➡ Interest pursuant to paragraph (a) must be computed at the rate prescribed in NRS 17.130 from the first day of the first month following the due date of the additional license fees until paid. Interest pursuant to paragraph (b) must be computed at one-half the rate prescribed in NRS 17.130 from the first day of the first month following the date of overpayment until paid.

8. Failure to pay the fees provided for in this section shall be deemed a surrender of the license at the expiration of the period for which the estimated payment of fees has been made, as established in subsection 2.

9. Except as otherwise provided in NRS 463.386, the amount of the fee prescribed in subsection 1 must not be prorated.

10. Except as otherwise provided in NRS 463.386, if a licensee ceases operation, the Commission shall:

(a) Charge and collect the additional license fees determined to be due with interest computed pursuant to paragraph (a) of subsection 7; or

(b) Refund any overpayment to the licensee with interest computed pursuant to paragraph (b) of subsection 7,

↪ based upon the gross revenue of the licensee during the last 3 months immediately preceding the cessation of operation, or portions of those last 3 months.

11. If in any month, the amount of gross revenue is less than zero, the licensee may offset the loss against gross revenue in succeeding months until the loss has been fully offset.

12. If in any month, the amount of the license fee due is less than zero, the licensee is entitled to receive a credit against any license fees due in succeeding months until the credit has been fully offset.

Sec. 3. This act becomes effective on July 1, 2007, and expires by limitation on :

1. June 30, 2011 ~~+~~, for the purpose of the accrual by a reinvestment licensee of credits for abatements of license fees.

2. June 30, 2013, for the purpose of the taking by a reinvestment licensee of credits for abatements of license fees.

Senator Amodei moved the adoption of the amendment.

Remarks by Senator Amodei.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 437.

Bill read third time.

Remarks by Senators Townsend and Titus.

Senator Townsend requested that the following remarks be entered in the Journal.

SENATOR TOWNSEND:

Thank you, Mr. President. This is an explanation of the energy bill that came out of the utility working group. We spent about 18 months on this. I would like to answer my colleague's question with regard to section 33.

Currently, the law allows the Universal Energy Charge (UEC) be collected on every bill in the State of Nevada when you pay an electric component. It is collected for those less fortunate who have a difficult time with some of the soaring costs of energy. It is then distributed on the following basis.

Seventy-five percent goes to our Division of Welfare and Supportive Services, and 25 percent to our Housing Division.

What we have found is they are collecting a great deal of money that is not being distributed to those individuals who are less fortunate.

I have handed out the UEC receipts with figures for 2004 for \$11 million and 2005 for \$11.5 million. It should ..... at those same amounts in future years. The problem is the carry-over amounts, which in 2004 was \$9 million. That is only on the welfare component. It grew to \$14 million. That money was not being distributed to those who needed it.

In working with the Consumer Advocate, as well as a number of interest groups who represent those in need, we thought it was in the best interests of this fund to put more money into weatherization and conservation for people's homes. The Minority Leader has had a number of bills in this House that have merit and warrant some kind of statement.

Under the regulations that will be promulgated, some of the focus needs to be on solar hot-water heaters. Other than your air conditioning bill in southern Nevada, your two largest components of energy consumption in your home are your refrigerator and your hot-water heater. Efficient operation of these two items is an important component to reducing your costs. Section 33 makes additional UEC funds available to assist low-income residents with energy

conservation so we can lower their on-going monthly utility bills in order to have those who would qualify under this to be able to weatherize their home, whether it is their roof, insulation or solar hot-water heater, which is part of the regulatory process and would be included.

SENATOR TITUS:

Thank you, Mr. President. I appreciate the explanation on section 33 from the Chair of the Committee on Commerce and Labor.

Over the years, I have introduced several bills that would require or allow for, authorize or assist in, the purchase of solar hot-water heaters. Instead of just helping people pay their power bills, we should help them bring their power bills down. Solar hot-water heaters do that.

In this legislation, I want to be certain that we are going to encourage the Housing Division to include in their regulations the eligibility to purchase hot-water heaters with some of this funding.

Roll call on Senate Bill No. 437:

YEAS—21.

NAYS—None.

Senate Bill No. 437 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 464.

Bill read third time.

Roll call on Senate Bill No. 464:

YEAS—21.

NAYS—None.

Senate Bill No. 464 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 468.

Bill read third time.

Roll call on Senate Bill No. 468:

YEAS—21.

NAYS—None.

Senate Bill No. 468 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 476.

Bill read third time.

Roll call on Senate Bill No. 476:

YEAS—21.

NAYS—None.

Senate Bill No. 476 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 501.

Bill read third time.

Roll call on Senate Bill No. 501:

YEAS—21.

NAYS—None.

Senate Bill No. 501 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 571.

Bill read third time.

Roll call on Senate Bill No. 571:

YEAS—21.

NAYS—None.

Senate Bill No. 571 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 202.

Bill read third time.

Roll call on Assembly Bill No. 202:

YEAS—21.

NAYS—None.

Assembly Bill No. 202 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 273.

Bill read third time.

Roll call on Assembly Bill No. 273:

YEAS—21.

NAYS—None.

Assembly Bill No. 273 having received a constitutional majority,  
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS  
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 106.

The following Assembly amendment was read:

Amendment No. 788.

"SUMMARY—Revises provisions concerning the release of certain confidential and restricted documents relating to potential acts of terrorism. (BDR 19-300)"

"AN ACT relating to homeland security; prescribing the persons authorized to inspect certain confidential or restricted documents relating to

potential acts of terrorism; eliminating the prospective expiration of the provisions relating to such confidential and restricted documents; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Sections 3 and 4 of this bill prescribe the persons who may properly inspect certain confidential documents that are prepared and maintained to prevent or respond to an act of terrorism and certain restricted documents which include blueprints or plans of certain places likely to be targeted for a terrorist attack to include state, county and city emergency managers, members of Nevada terrorism early warning centers or fusion intelligence centers and their staff. ~~and employees~~ Employees of fire-fighting, law enforcement and public health agencies ~~are~~ are also included if such employees have been designated by the heads of their respective agencies as having an operational need to inspect such confidential and restricted documents. (NRS 239C.210, 239C.220) Section 5 of this bill eliminates the prospective expiration of the provisions relating to such confidential and restricted documents.

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

Section 1. Chapter 239C of NRS is hereby amended by adding thereto a new section to read as follows:

*"Law enforcement agency" means:*

1. *The sheriff's office of a county;*
2. *A metropolitan police department;*
3. *A police department of an incorporated city; or*
4. *The Department of Public Safety.*

Sec. 2. NRS 239C.020 is hereby amended to read as follows:

239C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 239C.030 to 239C.110, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 239C.210 is hereby amended to read as follows:

239C.210 1. A document, record or other item of information described in subsection 2 that is prepared and maintained for the purpose of preventing or responding to an act of terrorism is confidential, not subject to subpoena or discovery, ~~and~~ not subject to inspection by the general public *and may only be inspected by or released to public safety and public health personnel* if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare.

2. The types of documents, records or other items of information subject to executive order pursuant to subsection 1 are as follows:

(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.

(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy.

(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.

(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.

(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.

(f) Documents, records or other items of information regarding the infrastructure and security of frequencies for radio transmissions used by response agencies, including, without limitation:

(1) Access codes, passwords or programs used to ensure the security of frequencies for radio transmissions used by response agencies;

(2) Procedures and processes used to ensure the security of frequencies for radio transmissions used by response agencies; and

(3) Plans used to reestablish security and service with respect to frequencies for radio transmissions used by response agencies after security has been breached or service has been interrupted.

3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

4. *As used in this section, "public safety and public health personnel" includes:*

*(a) State, county and city emergency managers;*

*(b) Members and staff of terrorism early warning centers or fusion intelligence centers in this State;*

*(c) Employees of fire-fighting or law enforcement agencies ~~and~~, if the head of the agency has designated the employee as having an operational need to know information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism; and*



(d) *Employees of a public health agency ~~if~~ if the agency is one that would respond to a disaster ~~and~~ and if the head of the agency has designated the employee as having an operational need to know information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism. As used in this paragraph, "disaster" has the meaning ascribed to it in NRS 414.0335.*

Sec. 4. NRS 239C.220 is hereby amended to read as follows:

239C.220 1. Unless made confidential by specific statute, a restricted document may be inspected only by a person who provides:

- (a) His name;
- (b) A copy of his driver's license or other photographic identification that is issued by a governmental entity;
- (c) The name of his employer, if any;
- (d) His citizenship; and
- (e) Except as otherwise provided in this paragraph, a statement of the purpose for the inspection. A person is not required to indicate the purpose for inspecting a restricted document if the person is ~~an~~ :

(1) *A state, county or city emergency manager;*

(2) *A member or staff person of a terrorism early warning center or fusion intelligence center in this State;*

(3) *An employee of any fire-fighting or law enforcement agency ~~if~~ if the head of the agency has designated the employee as having an operational need to inspect restricted documents; or*

(4) *An employee of a public health agency ~~if~~ if the agency is one that would respond to a disaster ~~and~~ and if the head of the agency has designated the employee as having an operational need to inspect restricted documents. As used in this subparagraph, "disaster" has the meaning ascribed to it in NRS 414.0335.*

2. Except as otherwise provided in subsection 3, a public officer or employee shall observe any person while the person inspects a restricted document in a location and in a manner which ensures that the person does not copy, duplicate or reproduce the restricted document in any way.

3. A restricted document may be copied, duplicated or reproduced:

- (a) Upon the lawful order of a court of competent jurisdiction;
- (b) As is reasonably necessary in the case of an act of terrorism or other related emergency;
- (c) To protect the rights and obligations of a governmental entity or the public;

(d) Upon the request of a reporter or editorial employee who is employed by or affiliated with a newspaper, press association or commercially operated and federally licensed radio or television station and who uses the restricted document in the course of such employment or affiliation; or

(e) Upon the request of a registered architect, licensed contractor or a designated employee of any such architect or contractor who uses the restricted document in his professional capacity.

4. A public officer or employee shall inform any person who inspects a restricted document of the provisions of this section.

Sec. 5. Section 40 of chapter 402, Statutes of Nevada 2003, at page 2469, is hereby amended to read as follows:

Sec. 40. 1. This section and sections 1 to 33, inclusive, 38, 38.5 and 39 of this act become effective on July 1, 2003.

2. Sections 34 to 37, inclusive, of this act become effective on January 1, 2004.

~~{3. The provisions of sections 21 to 24, inclusive, and 27.5 of this act expire by limitation on June 30, 2007.}~~

Sec. 6. This act becomes effective upon passage and approval.

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 106.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 128.

The following Assembly amendment was read:

Amendment No. 841.

"SUMMARY—Prohibits certain vehicles from traveling on that portion of State Route 159 that is designated as a scenic route and requiring the Department of Transportation to erect suitable markers along that portion of the Route. (BDR 43-211)"

"AN ACT relating to transportation; prohibiting certain vehicles from traveling on that portion of State Route 159 that is designated as a scenic route; requiring the Department of Transportation to erect suitable markers along that portion of the Route; requiring the Department to consider certain factors and to receive approval from the Board of Directors of the Department before reducing the maximum weight limits on certain highways; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill prohibits oversized vehicles which do not have a point of origin or destination on that portion of State Route 159 that is designated as a scenic route to travel on that portion of the Route and requires the Department of Transportation to erect suitable markers along that portion of the Route. Further, this bill requires the Department to consider certain factors and receive approval from the Board of Directors of the Department before reducing the maximum weight limits for oversized vehicles as prescribed by existing law on a highway under its jurisdiction. (NRS 484.745, 484.748, 484.7485)

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

Section 1. The Legislature hereby finds and declares that:

1. Because of its unique character, the restrictions imposed on certain large vehicles pursuant to this act are necessary for the protection of the Red Rock Canyon National Conservation Area and the safety and protection of the residents and visitors who enjoy the scenic beauty and recreational opportunities of the Red Rock Canyon.

2. The enactment of this act is not intended to encourage the imposition of similar restrictions on other designated scenic routes in this State.

Sec. 2. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. *Except as otherwise provided in subsection 3, it is unlawful for an operator or driver of any vehicle which:*

(a) *Is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive; or*

(b) *Has a declared gross weight in excess of 26,000 pounds, and which does not have a point of origin or destination on State Route 159 from mile post 0.0 to mile post 14.0 to travel on such Route.*

2. *The Department of Transportation shall erect suitable markers along State Route 159 and may locate them at such points as the Department of Transportation deems appropriate.*

3. *This section does not apply to:*

(a) *An authorized emergency vehicle;*

(b) *A vehicle being used in the service of a public utility as defined in NRS 704.020;*

(c) *A vehicle being used by a licensed hauler of garbage and refuse as defined in NRS 484.748;*

(d) *A school bus; or*

~~##(d)~~ (e) *A charter bus.*

Sec. 4. 1. *Except as otherwise provided in NRS 484.752, before the Department of Transportation reduces the maximum weight limits as prescribed in NRS 484.745, 484.748 and 484.7485 on a highway under its jurisdiction, the Department of Transportation shall:*

(a) *Consider:*

(1) *The average number of vehicles traveling on the highway each day;*

(2) *The number of vehicles that have a declared gross weight in excess of 26,000 pounds that are included in the average number pursuant to subparagraph (1);*

(3) *The availability of alternate routes to the highway;*

(4) *The impact on each alternate route of increased traffic consisting of vehicles that have a declared gross weight in excess of 26,000 pounds;*

(5) *The number of traffic accidents involving a vehicle that has a declared gross weight in excess of 26,000 pounds on the highway in the past 5 years;*

(6) *Any projected adverse economic or environmental impact resulting from reducing the maximum weight limits on the highway; and*

*(7) Any other factors the Department of Transportation deems appropriate; and*

*(b) Present such considerations to the Board of Directors of the Department of Transportation to receive the Board's approval to reduce the maximum weight limits pursuant to this section.*

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 128.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 237.

The following Assembly amendment was read:

Amendment No. 887.

"SUMMARY—Revises certain provisions governing permits to carry concealed firearms. (BDR 15-47)"

"AN ACT relating to concealed firearms; authorizing a person who holds a permit to carry a concealed firearm issued by another state to carry a concealed firearm in this State under certain circumstances; revising various other provisions governing permits to carry concealed firearms; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law allows a person who is not a resident of the State of Nevada to apply to the sheriff of any county in this State for a permit to carry a concealed firearm in this State. (NRS 202.3657) Section 2 of this bill allows a person who is not a resident of this State to carry a concealed firearm in this State if the person has a permit to carry a concealed firearm issued by a state included in the list prepared by the Department of Public Safety pursuant to section 3 of this bill. In addition, a person who becomes a resident of this State and who possesses a permit issued by a state whose permits are recognized in this State may not carry a concealed firearm unless the person has been issued a permit from the sheriff of the county in which he resides within 60 days of becoming a resident of this State.

Section 3 of this bill requires the Department to prepare a list of states which have been determined, on or before July 1 of each year: (1) to have requirements for the issuance of a permit to carry a concealed firearm that are substantially similar to or more stringent than the requirements of this State; and (2) to have an electronic database which identifies each individual who holds a valid permit to carry a concealed firearm issued by the state and which a law enforcement officer of this State may access at any time. A state must not be included in the list unless the Nevada Sheriffs' and Chiefs' Association agrees with the Department that the state should be included in the list.

Under existing law, a person may obtain a permit to carry in a concealed manner one or more firearms of a specific make, model and caliber if the

person meets certain requirements. (NRS 202.3657, 202.366) ~~[Section 4 of this bill creates three categories of firearms, which consist of a category of revolvers, a category of semiautomatic firearms and a category of both revolvers and semiautomatic firearms. Under section]~~ Section 5 of this bill ~~[~~ revises the manner in which a person may ~~[obtain]~~ apply for a permit to carry a firearm in a concealed manner ~~[any firearm in one of the three categories if the person meets certain requirements.]~~ so that the person is only required to list on an application each specific semiautomatic firearm to which the permit will pertain, but may receive a permit for all revolvers owned by him without listing each revolver specifically. Similarly, sections 5 and 6 of this bill provide that the permit issued will include a statement as to whether the permit authorizes a person to carry revolvers in a concealed manner. In addition, if the permit authorizes a person to carry any semiautomatic firearm in a concealed manner, the make, model and caliber of each semiautomatic firearm to which the permit pertains will be listed on the permit.

Existing law provides for the expiration of a permit to carry a concealed firearm. If the holder of the permit is a resident of this State, the permit expires on the fifth anniversary of the birthday of the holder which is nearest to the date of issuance or renewal. If the holder is a resident of another state, the permit expires on the third anniversary of the birthday of the holder which is nearest to the date of issuance or renewal. (NRS 202.366) Section 6 of this bill provides that all permits to carry a concealed firearm expire 5 years after the date of issuance.

Section 7 of this bill revises existing law so that for the renewal of a permit to carry a concealed firearm a person is required to demonstrate competence with: (1) a revolver, if the permit authorizes the person to carry revolvers; (2) each semiautomatic firearm to which the application pertains, if the permit authorizes the person to carry any semiautomatic firearm; or (3) a revolver and each semiautomatic firearm to which the permit pertains, if the permit authorizes the person to carry both revolvers and specific semiautomatic firearms. (NRS 202.3677)

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. Except as otherwise provided in subsection 2, a person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to section 3 of this act may carry a concealed firearm in this State in accordance with the requirements set forth in NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act.

2. A person who possesses a permit to carry a concealed firearm that was issued by a state included in the list prepared pursuant to section 3 of this act may not carry a concealed firearm in this State if the person:

(a) Becomes a resident of this State; and

(b) *Has not been issued a permit from the sheriff of the county in which he resides within 60 days after becoming a resident of this State.*

3. *A person who carries a concealed firearm pursuant to this section is subject to the same legal restrictions and requirements imposed upon a person who has been issued a permit by a sheriff in this State.*

Sec. 3. 1. *On or before July 1 of each year, the Department shall:*

(a) *Examine the requirements for the issuance of a permit to carry a concealed firearm in each state and determine whether the requirements of each state are substantially similar to or more stringent than the requirements set forth in NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act.*

(b) *Determine whether each state has an electronic database which identifies each individual who possesses a valid permit to carry a concealed firearm issued by that state and which a law enforcement officer in this State may access at all times through a national law enforcement telecommunications system.*

(c) *Prepare a list of states that meet the requirements of paragraphs (a) and (b). A state must not be included in the list unless the Nevada Sheriffs' and Chiefs' Association agrees with the Department that the state should be included in the list.*

(d) *Provide a copy of the list prepared pursuant to paragraph (c) to each law enforcement agency in this State.*

2. *The Department shall, upon request, make the list prepared pursuant to subsection 1 available to the public.*

Sec. 4. NRS 202.3653 is hereby amended to read as follows:

202.3653 As used in NRS 202.3653 to 202.369, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires:

1. ~~"Category of firearm" means a category of revolvers, a category of semiautomatic firearms or a category of both revolvers and semiautomatic firearms. As used in this subsection, the term:~~

~~(a) "Revolver" means a firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired. The term includes, without limitation, a single or double derringer.~~

~~(b) "Semiautomatic firearm" means a firearm which:~~

~~(1) Uses the energy of the explosive in a fixed cartridge to extract a fired cartridge and chamber a fresh cartridge with each single pull of the trigger; and~~

~~(2) Requires the release of the trigger and another pull of the trigger for each successive shot.~~

~~2.~~ "Concealed firearm" means a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation.

~~2.~~ ~~3.~~ "Department" means the Department of Public Safety.

3. ~~4.7~~ "Permit" means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive ~~[7]~~ , and sections 2 and 3 of this act.

4. "Revolver" means a firearm that has a revolving cylinder with several chambers, which, by pulling the trigger or setting the hammer, are aligned with the barrel, placing the bullet in a position to be fired. The term includes, without limitation, a single or double derringer.

5. "Semiautomatic firearm" means a firearm which:

(a) Uses the energy of the explosive in a fixed cartridge to extract a fixed cartridge and chamber a fresh cartridge with each single pull of the trigger; and

(b) Requires the release of the trigger and another pull of the trigger for each successive shot.

Sec. 5. NRS 202.3657 is hereby amended to read as follows:

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

2. Except as otherwise provided in this section, the sheriff shall issue a permit for revolvers, one or more specific semiautomatic firearms ~~category of firearm~~ , or for revolvers and one or more specific semiautomatic firearms, as applicable, to any person who is qualified to possess ~~each~~ ~~the category of~~ the firearm or firearms to which the application pertains under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

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

(c) Demonstrates competence with revolvers, each ~~the category of~~ specific semiautomatic firearm to which the application pertains , or revolvers and each such semiautomatic firearm, as applicable, by presenting a certificate or other documentation to the sheriff which shows that he:

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

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

↪ Such a course must include instruction in the use of revolvers, each ~~the category of~~ semiautomatic firearm to which the application pertains , or revolvers and each such semiautomatic firearm and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs'

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

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

- (a) Has an outstanding warrant for his arrest.
- (b) Has been judicially declared incompetent or insane.
- (c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.
- (d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, he has been:

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

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

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

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

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

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

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

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

or

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

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

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

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a



permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

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

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

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

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

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

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

(f) The make, model and caliber of each ~~category of~~ semiautomatic firearm to which the application pertains ~~if any~~; if any;

(g) Whether the application pertains to revolvers;

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

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

Sec. 6. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, the sheriff shall conduct an investigation of the applicant to determine if he is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. The sheriff shall issue a permit to the applicant unless he is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, *and sections 2 and 3 of this act*, or the regulations adopted pursuant thereto.

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

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

## NEVADA CONCEALED FIREARM PERMIT

|               |                     |
|---------------|---------------------|
| County .....  | Permit Number ..... |
| Expires ..... | Date of Birth ..... |
| Height .....  | Weight .....        |
| Name .....    | Address .....       |
| City .....    | Zip .....           |

Photograph

Signature .....

Issued by .....

Date of Issue .....

Make, model and caliber of each authorized ~~/Authorized category of~~  
semiautomatic firearm, if any .....

Revolvers authorized ..... Yes ..... No

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires ~~[-~~

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

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

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

Sec. 7. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his permit, the permittee must complete and submit to the sheriff who issued the permit an application for renewal of the permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657; and

(c) Be accompanied by a nonrefundable fee of \$25.

➔ If a permittee fails to renew his permit on or before the date of expiration of his permit, the application for renewal must include an additional nonrefundable late fee of \$15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with ~~[a] *the category of*~~ revolvers, with each semiautomatic firearm to which the application pertains , or with revolvers and each such semiautomatic firearm, as applicable, by successfully completing a course prescribed by the sheriff renewing the permit.

Sec. 8. NRS 202.3687 is hereby amended to read as follows:

202.3687 1. The provisions of NRS 202.3653 to 202.369, inclusive, *and sections 2 and 3 of this act* do not prohibit a sheriff from issuing a temporary permit ~~. [to carry a concealed firearm.]~~ A temporary permit may include, but is not limited to, provisions specifying the period for which the permit is valid.

2. Each sheriff who issues a permit pursuant to the provisions of NRS 202.3653 to 202.369, inclusive, *and sections 2 and 3 of this act* shall provide such information concerning the permit and the person to whom it is issued to the Central Repository for Nevada Records of Criminal History.

Sec. 9. The Department of Public Safety shall prepare the initial list required by section 3 of this act and provide a copy of that list to each law enforcement agency in this State not later than October 1, 2007.

Sec. 10. The amendatory provisions of sections 5 and 6 of this act apply to a permit to carry a concealed firearm that is issued on or after October 1, 2007.

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Bill No. 237.

Remarks by Senators Amodei, Hardy and Carlton.

Senator Hardy requested that his remarks be entered in the Journal.

Thank you, I rise in support of the motion to concur. I want to thank the Chair of Judiciary for his hard work on this important bill. To those of you who are not familiar with the carry-concealed laws, many of the states around us offer reciprocity to Nevada residents who have permits to carry a concealed firearm in Nevada. They recognize their right to carry concealed firearms in their State. We do not reciprocate. We do not recognize their right. This is an attempt to make that more equitable.

The bill requires that before Nevada will recognize the carry-concealed regulations (CCW) of another state, that their rules have to be substantially compliant with ours as determined by law enforcement. I was concerned initially the amendment the Assembly added required that while revolvers were not independently listed on the CCW permit, semi-automatic weapons were. I was concerned that would impact the balance.

I have spoken with law enforcement, and they have assured of their intention and the intent of the Legislature is that they would be substantially compliant in terms of the training that is required to obtain the CCW. The background check, the character of the applicant and also the education requirements and all of the testing requirements would be substantially compliant with Nevada's laws before there could be any reciprocity.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 242.

The following Assembly amendment was read:

Amendment No. 959.

"SUMMARY—~~[Enacts the Model Registered Agents Act.]~~ Makes various changes concerning agents for service of process and business entities. (BDR 7-460)"

"AN ACT relating to ~~[agents for service of process;]~~ business entities; enacting the Model Registered Agents Act; revising the provisions relating to the maintenance of a corporation's records at its registered office; establishing provisions relating to the judgment and execution of a stockholder's stock; requiring registered agents to verify certain information concerning the entities represented in certain circumstances; prohibiting registered agents from performing financial transactions in certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain entities to appoint and maintain a resident agent who is located in this State and upon whom all legal process and any notice may be served. (NRS 14.020) This bill changes the term resident agent to registered agent and establishes two types of registered agent, which are called commercial registered agents and noncommercial registered agents.

Section 32 of this bill allows an individual or an entity to become listed as a commercial registered agent by filing with the Secretary of State a statement containing certain information. Under section 31 of this bill, when an entity files with the Secretary of State the document which creates the entity, the entity must include in that document the name of the entity's commercial registered agent, the name and address of the entity's noncommercial registered agent or the title of a position with the entity if service of process is to be sent to the person holding that position. In addition, section 31 ~~[removes the requirement]~~ requires the entity to file a certificate of acceptance of appointment signed by the ~~[resident]~~ registered agent. ~~[and provides that when an entity appoints a registered agent, the entity affirms that the registered agent has consented to serve as the registered agent of the entity. (NRS 14.020)]~~

Section 37 of this bill provides that any registered agent may resign from the representation of an entity by filing a statement of resignation for the entity and paying the fee required by section 29 of this bill. If a noncommercial registered agent wishes to resign from the representation of all entities, the agent must file a statement of resignation for each entity represented by the agent. However, under section 33 of this bill a commercial registered agent may resign from the representation of all entities by filing with the Secretary of State a termination statement and providing notice of the termination to each entity represented by the agent.

Existing law provides that if the name of a resident agent is changed because of certain actions, the resident agent must file a certificate with the Secretary of State and pay a \$100 fee. (NRS 78.110, 80.070, 82.193, 86.235, 87.490, 88.331, 88A.540) Section 36 of this bill provides that if a commercial registered agent changes its name, address or type or jurisdiction of organization, the agent must file with the Secretary of State a statement of

change. The filing of this statement changes the registered agent information for each entity represented by the agent. Section 35 of this bill provides that if a noncommercial registered agent changes its name or address, the agent must file with the Secretary of State a statement of change for each entity represented by the agent.

Section 40.2 of this bill requires certain registered agents who represent entities that engage in business activities that are regulated pursuant to chapter 604A or 675 of NRS to verify that the entity they represent has the appropriate license from the Commissioner of Financial Institutions. In addition, section 40.2 prohibits a registered agent who represents such an entity from performing any financial transactions on behalf of the represented entity in his capacity as registered agent.

Section 40.4 of this bill authorizes the Commissioner of Financial Institutions to issue an order to a registered agent to cease and refrain from providing certain services if the represented entity does not have the required license. Section 40.4 further provides for an administrative fine of up to \$1,000 against a registered agent who fails to comply with such an order.

Section 40.6 of this bill allows the Secretary of State to adopt regulations. Section 40.6 further authorizes the Secretary of State to seek to enjoin a registered agent from engaging in certain conduct.

Existing law allows certain actions with respect to entities to be filed in the district court of the county in which the office of the entity's resident agent is located. (NRS 78.345, 78.630, 82.306, 82.471, 82.486, 92A.460, 92A.490) This bill provides that these actions must be brought in the district court of the county in which the entity's principal office is located or, if the entity's principal office is not located in this State, in the district court in Carson City.

Existing law allows a court to charge the interest of a partner in a partnership or limited partnership or a member of a limited-liability company for payment of an unsatisfied judgment under certain circumstances. (NRS 86.401, 87.280, 87.4342, 88.535) Section 43.5 of this bill provides that a court may charge a stockholder's stock with payment of an unsatisfied judgment under certain circumstances.

Existing law establishes provisions relating to the maintenance of a corporation's records at its registered office. (NRS 78.105) Section 49.5 of this bill requires certain records to be maintained for a period of 3 years by a new registered agent who replaces a previous registered agent.

Existing law provides that certain benefits and property may be exempt from execution. (NRS 21.075, 21.090, 31.045) Sections 171.2-171.6 of this bill provide that stock of certain corporations may be exempt from execution under certain circumstances.

Sections 184.7, 184.9 190.7 and 190.9 of this bill specifically authorize the Commissioner of Financial Institutions to investigate the business of a registered agent who represents a person licensed pursuant to chapter 604A or 675 of NRS. (NRS 604A.710, 604A.810, 675.380 and 675.430)

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

Section 1. Title 7 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 43, inclusive, of this act.

Sec. 2. *This chapter may be cited as the Model Registered Agents Act.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 28, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Appointment of agent" means a statement appointing an agent for service of process filed by a domestic entity that is not a filing entity or a nonqualified foreign entity under section 38 of this act.*

Sec. 5. *"Commercial registered agent" means an individual or a domestic or foreign entity listed under section 32 of this act.*

Sec. 6. *"Domestic entity" means an entity whose internal affairs are governed by the law of this State.*

Sec. 7. *"Entity" means a person that has a separate legal existence or has the power to acquire an interest in real property in its own name other than:*

- 1. An individual;*
- 2. A testamentary, inter vivos or charitable trust, with the exception of a business trust, statutory trust or similar trust;*
- 3. An association or relationship that is not a partnership by reason of NRS 87.070, subsection 3 of NRS 87.4322 or similar provisions of the law of any other jurisdiction;*
- 4. A decedent's estate; or*
- 5. A public corporation, government or governmental subdivision, agency or instrumentality or a quasi-governmental instrumentality.*

Sec. 8. *"Filing entity" means an entity that is created by the filing of a public organic document.*

Sec. 9. *"Foreign entity" means an entity other than a domestic entity.*

Sec. 10. *"Foreign qualification document" means an application for a certificate of authority or other foreign qualification filing with the Secretary of State by a foreign entity.*

Sec. 11. *"Governor" means a person by or under whose authority the powers of an entity are exercised and under whose direction the business and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.*

Sec. 12. 1. *"Interest" means:*

- (a) A governance interest in an unincorporated entity;*
- (b) A transferable interest in an unincorporated entity; or*
- (c) A share or membership in a corporation.*

2. *As used in this section:*

(a) "Governance interest" means the right under the organic law or organic rules of an entity, other than as a governor, agent, assignee or proxy, to:

- (1) Receive or demand access to information concerning, or the books and records of, the entity;
- (2) Vote for the election of the governors of the entity; or
- (3) Receive notice of or vote on any or all issues involving the internal affairs of the entity.

(b) "Transferable interest" means the right under an entity's organic law to receive distributions from the entity.

Sec. 13. "Interest holder" means a direct holder of an interest.

Sec. 14. "Jurisdiction of organization," with respect to an entity, means the jurisdiction whose law includes the organic law of the entity.

Sec. 15. "Noncommercial registered agent" means a person that is not listed as a commercial registered agent under section ~~32~~ of this act and that is:

1. An individual or a domestic or foreign entity that serves in this State as the agent for service of process of an entity; or

2. The individual who holds the office or other position in an entity that is designated as the agent for service of process pursuant to subparagraph (2) of paragraph (b) of subsection 1 of section ~~31~~ of this act.

Sec. 16. "Nonqualified foreign entity" means a foreign entity that is not authorized to transact business in this State pursuant to a filing with the Secretary of State.

Sec. 17. "Nonresident LLP statement" means:

1. A certificate of registration of a domestic registered limited-liability partnership that does not have an office in this State; or

2. The foreign qualification filing of a foreign registered limited-liability partnership that does not have an office in this State.

Sec. 18. "Organic law" means the statutes, if any, other than this chapter, governing the internal affairs of an entity.

Sec. 19. "Organic rules" means the public organic document and private organic rules of an entity. As used in this section, "private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all of its interest holders and are not part of its public organic document, if any.

Sec. 20. "Person" means an individual, corporation, estate, trust, partnership, limited-liability company, business or similar trust, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

Sec. 21. "Public organic document" means the public record the filing of which creates an entity, and any amendment to or restatement of that record.

Sec. 22. *"Qualified foreign entity" means a foreign entity that is authorized to transact business in this State pursuant to a filing with the Secretary of State.*

Sec. 23. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 24. *"Registered agent" means a commercial registered agent or a noncommercial registered agent.*

Sec. 25. *"Registered agent filing" means:*

1. *The public organic document of a domestic filing entity;*
2. *A nonresident LLP statement;*
3. *A foreign qualification document;*
4. *An appointment of agent; or*
5. *Any other filing with the Secretary of State under an entity's organic law that must include the information required ~~by subsection 1 of~~ pursuant to section 31 of this act.*

Sec. 26. *"Represented entity" means:*

1. *A domestic filing entity;*
2. *A domestic or qualified foreign limited-liability partnership that does not have an office in this State;*
3. *A qualified foreign entity;*
4. *A domestic or foreign unincorporated nonprofit association for which an appointment of agent has been filed;*
5. *A domestic entity that is not a filing entity for which an appointment of agent has been filed; or*
6. *A nonqualified foreign entity for which an appointment of agent has been filed.*

Sec. 27. *"Sign" means, with present intent to authenticate or adopt a record:*

1. *To execute or adopt a tangible symbol; or*
2. *To attach to or logically associate with the record an electronic sound, symbol or process.*

Sec. 28. *"Type," with respect to an entity, means a generic form of entity:*

1. *Recognized at common law; or*
2. *Organized under an organic law, whether or not some entities organized under that organic law are subject to provisions of that law that create different categories of the form of entity.*

Sec. 29. 1. *The Secretary of State shall collect the following fees when a filing is made under this chapter:*

- (a) *For a commercial registered agent listing statement, \$75.*
- (b) *For a commercial registered agent termination statement, \$100.*
- (c) *For a statement of change, \$60.*



(d) For a statement of resignation, \$100 for the first entity listed on the statement of resignation and \$1 for each additional entity listed on the statement of resignation.

(e) For a statement appointing an agent for service of process, \$60.

2. The Secretary of State shall collect the following fees for copying and certifying a copy of any document filed under this chapter:

(a) For copying any document, \$2 per page.

(b) For certifying a copy of any document, \$30.

Sec. 29.5. 1. Each record filed with the Secretary of State pursuant to this chapter must be on or accompanied by a form prescribed by the Secretary of State.

2. The Secretary of State may refuse to file a record which does not comply with subsection 1 or which does not contain all of the information required by statute for filing the record.

3. If the provisions on the form prescribed by the Secretary of State conflict with the provisions of any record that is submitted for filing with the form:

(a) The provisions of the form control for all purposes with respect to information that is required by statute to appear in the record in order for the record to be filed; and

(b) Unless otherwise provided in the record, the provisions of the record control in every other situation.

4. The Secretary of State may by regulation provide for the electronic filing of records with the Office of the Secretary of State.

Sec. 30. Whenever a provision of this chapter other than paragraph (d) of subsection 1 of section 37 of this act requires that a filing state an address, the filing must state:

1. An actual street address or rural route box number in this State; and

2. A mailing address in this State, if different from the address under subsection 1.

Sec. 31. 1. A registered agent filing must state:

(a) The name of the represented entity's commercial registered agent; or

(b) If the entity does not have a commercial registered agent:

(1) The name and address of the entity's noncommercial registered agent; or

(2) The title of an office or other position with the entity if service of process is to be sent to the person holding that office or position, and the address of the business office of that person.

2. The appointment of a registered agent pursuant to paragraph (a) or (b) of subsection 1 ~~is an affirmation by the represented entity that the agent has consented to serve as such.~~ must be accompanied by a certificate of acceptance of the appointment by the registered agent.

Sec. 32. 1. An individual or a domestic or foreign entity may become listed as a commercial registered agent by filing with the Secretary of State a

*commercial registered agent listing statement signed by or on behalf of the person which states:*

*(a) The name of the individual or the name, type and jurisdiction of organization of the entity;*

*(b) That the person is in the business of serving as a commercial registered agent in this State; and*

*(c) The address of a place of business of the person in this State to which service of process and other notice and documents being served on or sent to entities represented by it may be delivered.*

*2. If the name of a person filing a commercial registered agent listing statement is not distinguishable on the records of the Secretary of State from the name of another commercial registered agent listed under this section, the person must adopt a fictitious name that is distinguishable and use that name in its statement and when it does business in this State as a commercial registered agent. For the purposes of this subsection, a proposed name is not distinguishable from another name solely because one or the other contains distinctive lettering, a distinctive mark, a trademark or a trade name or any combination of these. The Secretary of State may adopt regulations that interpret the requirements of this subsection.*

*3. A commercial registered agent listing statement takes effect on filing.*

*4. The Secretary of State shall note the filing of the commercial registered agent listing statement in the index of filings maintained by the Secretary of State for each entity represented by the registered agent at the time of the filing. The statement has the effect of deleting the address of the registered agent from the registered agent filing of each of those entities.*

*Sec. 33. 1. A commercial registered agent may terminate its listing as a commercial registered agent by filing with the Secretary of State a commercial registered agent termination statement signed by or on behalf of the agent which states:*

*(a) The name of the agent as currently listed under section 32 of this act; and*

*(b) That the agent is no longer in the business of serving as a commercial registered agent in this State.*

*2. A commercial registered agent termination statement takes effect on the 31st day after the day on which it is filed.*

*3. The commercial registered agent shall promptly furnish each entity represented by it with notice in a record of the filing of the commercial registered agent termination statement.*

*4. When a commercial registered agent termination statement takes effect, the registered agent ceases to be an agent for service of process on each entity formerly represented by it. Termination of the listing of a commercial registered agent under this section does not affect any contractual rights a represented entity may have against the agent or that the agent may have against the entity.*

Sec. 34. 1. A represented entity may change the information currently on file ~~under subsection 1 of~~ pursuant to section 31 of this act by filing with the Secretary of State a statement of change signed on behalf of the entity which states:

(a) The name of the entity; and  
(b) The information that is to be in effect as a result of the filing of the statement of change.

2. The interest holders or governors of a domestic entity need not approve the filing of:

(a) A statement of change under this section; or  
(b) A similar filing changing the registered agent or registered office of the entity in any other jurisdiction.

3. ~~{The appointment of a registered agent pursuant to subsection 1 is an affirmation by the represented entity that the agent has consented to serve as such.}~~ If a filing made pursuant to subsection 1 results in a change of the registered agent of the represented entity, the filing must include the information required pursuant to section 31 of this act.

4. A statement of change filed under this section takes effect on filing.

5. Instead of using the procedures in this section, a represented entity may change the information currently on file under ~~subsection 1 of~~ section 31 of this act by amending its most recent registered agent filing in the manner provided by the laws of this State other than this chapter for amending that filing.

Sec. 35. 1. If a noncommercial registered agent changes its name or its address as currently in effect with respect to a represented entity pursuant to ~~subsection 1 of~~ section 31 of this act, the agent shall file with the Secretary of State, with respect to each entity represented by the agent, a statement of change signed by or on behalf of the agent which states:

(a) The name of the entity;  
(b) The name and address of the agent as currently in effect with respect to the entity;  
(c) If the name of the agent has changed, its new name; and  
(d) If the address of the agent has changed, the new address.

2. A statement of change filed under this section takes effect on filing.

3. A noncommercial registered agent shall promptly furnish the represented entity with notice in a record of the filing of a statement of change and the changes made by the filing.

Sec. 36. 1. If a commercial registered agent changes its name, its address as currently listed under subsection 1 of section 32 of this act or its type or jurisdiction of organization, the agent shall file with the Secretary of State a statement of change signed by or on behalf of the agent which states:

(a) The name of the agent as currently listed under subsection 1 of section 32 of this act;  
(b) If the name of the agent has changed, its new name;  
(c) If the address of the agent has changed, the new address; and

*(d) If the type or jurisdiction of organization of the agent has changed, the new type or jurisdiction of organization.*

*2. The filing of a statement of change under subsection 1 is effective to change the information regarding the commercial registered agent with respect to each entity represented by the agent.*

*3. A statement of change filed under this section takes effect on filing.*

*4. A commercial registered agent shall promptly furnish each entity represented by it with notice in a record of the filing of a statement of change relating to the name or address of the agent and the changes made by the filing.*

*5. If a commercial registered agent changes its address without filing a statement of change as required by this section, the Secretary of State may cancel the listing of the agent under section 32 of this act. A cancellation under this subsection has the same effect as a termination under section 33 of this act. Promptly after cancelling the listing of an agent, the Secretary of State shall serve notice in a record on the:*

*(a) Governors of each entity represented by the agent, stating that the agent has ceased to be an agent for service of process on the entity and that, until the entity appoints a new registered agent, service of process may be made in the manner provided by NRS 14.030; and*

*(b) Agent, stating that the listing of the agent has been cancelled under this section.*

*Sec. 37. 1. A registered agent may resign at any time with respect to a represented entity by filing with the Secretary of State a statement of resignation signed by or on behalf of the agent which states:*

*(a) The name of the entity;*

*(b) The name of the agent;*

*(c) That the agent resigns from serving as agent for service of process for the entity; and*

*(d) The name and address of the person to which the agent will send the notice required by subsection 3.*

*2. A statement of resignation takes effect on the earlier of the 31st day after the day on which it is filed or the appointment of a new registered agent for the represented entity.*

*3. The registered agent shall promptly furnish the represented entity with notice in a record of the date on which a statement of resignation was filed.*

*4. When a statement of resignation takes effect, the registered agent ceases to have responsibility for any matter tendered to it as agent for the represented entity. A resignation under this section does not affect any contractual rights the entity may have against the agent or that the agent may have against the entity.*

*5. A registered agent may resign with respect to a represented entity whether or not the entity is in good standing.*

*Sec. 38. 1. A domestic entity that is not a filing entity or a nonqualified foreign entity may file with the Secretary of State a statement appointing an*

agent for service of process signed on behalf of the entity which ~~[states]~~ includes, without limitation:

- (a) The name, type and jurisdiction of organization of the entity; and
- (b) The information required ~~by subsection 1 of~~ pursuant to section 31 ~~of this act.~~

2. A statement appointing an agent for service of process takes effect on filing.

3. The appointment of a registered agent under this section does not qualify a nonqualified foreign entity to do business in this State and is not sufficient alone to create personal jurisdiction over the nonqualified foreign entity in this State.

4. A statement appointing an agent for service of process may not be rejected for filing because the name of the entity filing the statement is not distinguishable on the records of the Secretary of State from the name of another entity appearing in those records. The filing of a statement appointing an agent for service of process does not make the name of the entity filing the statement unavailable for use by another entity.

5. An entity that has filed a statement appointing an agent for service of process may cancel the statement by filing a statement of cancellation, which shall take effect upon filing, and must state the name of the entity and that the entity is cancelling its appointment of an agent for service of process in this State. A statement appointing an agent for service of process, which has not been cancelled earlier, is effective for a period of 5 years after the date of filing.

6. A statement appointing an agent for service of process for a nonqualified foreign entity terminates automatically on the date the entity becomes a qualified foreign entity.

Sec. 39. A registered agent is an agent of the represented entity authorized to receive service of any process, notice or demand required or permitted by law to be served on the entity.

Sec. 40. The only duties under this chapter required of a registered agent who has complied with this chapter are:

1. To forward to the represented entity at the address most recently supplied to the agent by the entity any process, notice or demand that is served on the agent;

2. To provide the notices required by this chapter to the entity at the address most recently supplied to the agent by the entity;

3. If the agent is a noncommercial registered agent, to keep current the information required ~~by subsection 1 of~~ pursuant to section 31 of this act in the most recent registered agent filing for the entity; and

4. If the agent is a commercial registered agent, to keep current the information listed for it under subsection 1 of section 32 of this act.

Sec. 40.2. 1. If a registered agent knows or reasonably should know that the entity for which he is the registered agent engages in any business activity that is regulated pursuant to chapter 604A or 675 of NRS and the

registered agent or a subsidiary or affiliate of the registered agent performs any service for the represented entity other than:

(a) Delivering documents for filing to state or local governmental entities;

(b) Forwarding unopened mail;

(c) Any service described in section 40 of this act;

(d) Accounting services incidental to the formation of the entity for which he serves as registered agent provided in accordance with chapter 628 of NRS; or

(e) Legal services incidental to the formation of the entity for which he serves as registered agent if he is an attorney who is licensed to practice law in this State or performs such services under the supervision of an attorney who is licensed to practice law in this State.

↪ the registered agent shall verify with the Division of Financial Institutions of the Department of Business and Industry that the person is licensed pursuant to chapter 604A or 675 of NRS, as applicable.

2. If a registered agent determines pursuant to subsection 1 that the represented entity is not licensed as required pursuant to chapter 604A or 675 of NRS, the registered agent shall notify the Commissioner of Financial Institutions.

3. A registered agent who accepts an appointment to act as the registered agent for a represented entity whom the registered agent knows or reasonably should know engages in business activities which are regulated pursuant to chapter 604A or 675 of NRS shall not perform any financial transactions on behalf of the represented entity in his capacity as registered agent.

Sec. 40.4. 1. If the Commissioner of Financial Institutions determines, after investigation, that a represented entity of a registered agent has failed to comply with the provisions of chapter 604A or 675 of NRS, the Commissioner may issue an order to the registered agent to cease and refrain from providing all services for the represented entity other than those services set forth in section 40 of this act.

2. A registered agent who receives an order pursuant to subsection 1 shall immediately notify the represented entity. The represented entity shall be deemed to have received the order on the date that it is received by the registered agent.

3. Any contract between a registered agent, its subsidiary or affiliate and the represented entity entered into on or after July 1, 2007, shall be deemed to include a provision that provides for the termination of the contract or agreement without liability to the registered agent, its subsidiary or affiliate, upon the issuance of an order issued pursuant to this section, except for any agreement for the provision of the services set forth in section 40 of this act. Any provision of a contract which conflicts with this subsection is void. Failure to include such a provision in a contract is not a defense in an action brought to enforce or terminate the contract.

4. An order issued pursuant to subsection 1 is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS. A registered agent shall comply with any such order pending judicial review.

5. If the Commissioner of Financial Institutions finds that a registered agent has failed to comply with an order issued pursuant to this section, the Commissioner may impose an administrative fine of not more than \$1,000 upon the registered agent. Any fine collected pursuant to this section must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 40.6. 1. The Secretary of State may adopt such regulations as he deems necessary to carry out and ensure compliance with the provisions of this chapter and any other provision of law which governs the conduct of registered agents.

2. Upon application of the Secretary of State, the district court may enjoin any person from serving as a registered agent or as an officer, director or managing agent of a registered agent if the court finds that:

(a) The registered agent failed to comply with any provision of law governing the conduct of registered agents after reasonable notice and an opportunity to correct the failure; or

(b) The registered agent engaged in conduct in his capacity as registered agent that was intended to deceive or defraud the public or to promote illegal activities.

Sec. 41. The appointment or maintenance in this State of a registered agent does not by itself create the basis for personal jurisdiction over the represented entity in this State. The address of the agent does not determine venue in an action or proceeding involving the entity.

Sec. 42. In applying and construing this chapter, consideration must be given to the need to promote consistency of the law with respect to its subject matter among states that enact it.

Sec. 43. This chapter modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).

Sec. 43.5. Chapter 78 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On application to a court of competent jurisdiction by a judgment creditor of a stockholder, the court may charge the stockholder's stock with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the stockholder's stock.

2. This section:

(a) Applies only to a corporation that:

(1) Has more than 1 but fewer than 75 stockholders of record at any time.

(2) Is not a subsidiary of a publicly traded corporation, either in whole or in part.

(3) Is not a professional corporation, as defined in NRS 89.020.

(b) Does not apply to any liability of a stockholder that exists as the result of an action filed before July 1, 2007.

(c) Provides the exclusive remedy by which a judgment creditor of a stockholder or an assignee of a stockholder may satisfy a judgment out of the stockholder's stock of the corporation.

(d) Does not deprive any stockholder of the benefit of any exemption applicable to the stockholder's stock.

(e) Does not supersede any private agreement between a stockholder and a creditor.

Sec. 44. NRS 78.010 is hereby amended to read as follows:

78.010 1. As used in this chapter:

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

(b) "Articles," "articles of incorporation" and "certificate of incorporation" are synonymous terms and, unless the context otherwise requires, include all certificates filed pursuant to NRS 78.030, 78.180, 78.185, 78.1955, 78.209, 78.380, 78.385, 78.390, 78.725 and 78.730 and any articles of merger, conversion, exchange or domestication filed pursuant to NRS 92A.200 to 92A.240, inclusive, or 92A.270. Unless the context otherwise requires, these terms include restated articles and certificates of incorporation.

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

(d) "Principal office" means the office, in or out of this State, where the principal executive offices of a domestic or foreign corporation are located.

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

[(e)] (f) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(f)]~~ (g) "Registered agent" has the meaning ascribed to it in section 24 of this act.

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

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

~~(h)~~ registered agent.

(i) "Sign" means to affix a signature to a record.

~~[(i)]~~ (j) "Signature" means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself and adopt or



accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

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

~~[(k)]~~ (l) "Street address" of a ~~[resident]~~ *registered* agent means the actual physical location in this State at which a ~~[resident]~~ *registered* agent is available for service of process.

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

Sec. 45. NRS 78.030 is hereby amended to read as follows:

78.030 1. One or more persons may establish a corporation for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, pursuant and subject to the requirements of this chapter, by ~~[-~~

~~(a) Signing]~~ *signing* and filing in the Office of the Secretary of State articles of incorporation . ~~[-and~~

~~(b) Filing a certificate of acceptance of appointment, signed by the resident agent of the corporation, in the Office of the Secretary of State.]~~

2. The articles of incorporation must be as provided in NRS 78.035, and the Secretary of State shall require them to be in the form prescribed. If any articles are defective in this respect, the Secretary of State shall return them for correction.

Sec. 46. NRS 78.035 is hereby amended to read as follows:

78.035 The articles of incorporation must set forth:

1. The name of the corporation. A name appearing to be that of a natural person and containing a given name or initials must not be used as a corporate name except with an additional word or words such as "Incorporated," "Limited," "Inc.," "Ltd.," "Company," "Co.," "Corporation," "Corp.," or other word which identifies it as not being a natural person.

2. The ~~[name of the person designated as the corporation's resident agent, the street address of the resident agent where process may be served upon the corporation, and the mailing address of the resident agent if different from the street address.]~~ *information required ~~(by subsection 1 of)~~ pursuant to section 31 of this act.*

3. The number of shares the corporation is authorized to issue and, if more than one class or series of stock is authorized, the classes, the series and the number of shares of each class or series which the corporation is authorized to issue, unless the articles authorize the board of directors to fix and determine in a resolution the classes, series and numbers of each class or series as provided in NRS 78.195 and 78.196.

4. The names and addresses, either residence or business, of the first board of directors or trustees, together with any desired provisions relative to the right to change the number of directors as provided in NRS 78.115.

5. The name and address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 47. NRS 78.050 is hereby amended to read as follows:

78.050 1. Upon the filing of the articles of incorporation ~~and the certificate of acceptance~~ pursuant to NRS 78.030 ~~[-]~~ and the payment of the filing fees, the Secretary of State shall issue to the corporation a certificate that the articles, containing the required statement of facts, have been filed. From the date the articles are filed, the corporation is a body corporate, by the name set forth in the articles of incorporation, subject to the forfeiture of its charter or dissolution as provided in this chapter.

2. Neither an incorporator nor a director designated in the articles of incorporation thereby becomes a subscriber or stockholder of the corporation.

3. The filing of the articles of incorporation does not, by itself, constitute commencement of business by the corporation.

Sec. 48. NRS 78.090 is hereby amended to read as follows:

78.090 1. ~~Except during any period of vacancy described in NRS 78.097, every~~ Every corporation must have a ~~resident~~ registered agent who resides or is located in this State. ~~Every resident~~ Notwithstanding the provisions of section 30 of this act, each registered agent must have a street address for [the] receiving service of process, [and] which is the registered office of the corporation in this State. If the registered agent is in the business of acting as a registered agent for more than one business entity, the physical street address of the registered office must be in a location for which such use is not prohibited by any local ordinance. The registered agent may have a separate mailing address such as a post office box, which may be different from the street address. [The street address of the resident agent is the registered office of the corporation in this State.]

2. If the ~~resident~~ registered agent is a bank or corporation, it may:

(a) Act as the fiscal or transfer agent of any state, municipality, body politic or corporation and in that capacity may receive and disburse money.

(b) Transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and act as agent of any corporation, foreign or domestic, for any purpose required by statute, or otherwise.

(c) Act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and accept and execute any other municipal or corporate trust not inconsistent with the laws of this State.

(d) Receive and manage any sinking fund of any corporation, upon such terms as may be agreed upon between the corporation and those dealing with it.

3. Every corporation organized pursuant to this chapter which fails or refuses to comply with the requirements of this section is subject to a fine of not less than \$100 nor more than \$500, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

4. All legal process and any demand or notice authorized by law to be served upon a corporation may be served upon the ~~[resident]~~ *registered* agent of the corporation in the manner provided in subsection 2 of NRS 14.020. If any demand, notice or legal process, other than a summons and complaint, cannot be served upon the ~~[resident]~~ *registered* agent, it may be served in the manner provided in NRS 14.030. These manners and modes of service are in addition to any other service authorized by law.

Sec. 49. NRS 78.097 is hereby amended to read as follows:

78.097 1. ~~[A resident agent who desires to resign shall file with the Secretary of State a signed statement, on a form provided by the Secretary of State, for each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that he is unwilling to continue to act as the resident agent of the artificial person for the service of process. The fee for filing a statement of resignation is \$100 for the first artificial person for whom the resident agent is unwilling to continue to act as the agent and \$1 for each additional artificial person listed on the statement of resignation. A resignation is not effective until the signed statement is filed with the Secretary of State.]~~

~~2.—The statement of resignation may contain a statement of the affected corporation appointing a successor resident agent for that corporation. A certificate of acceptance signed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.~~

~~3.—Upon the filing of the statement of resignation with the Secretary of State the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.~~

~~4.] If a [resident agent dies, resigns or removes from the State,] registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act, the corporation, [within 30 days thereafter,] before the effective date of the resignation or termination, shall file with the Secretary of State a [certificate of acceptance signed by the new resident agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as a post office box, which may be different from the street address.]~~

~~5.] statement of change of registered agent pursuant to section 34 of this act.~~

~~2. A corporation that fails to [file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal~~

~~of its former resident agent]~~ *comply with subsection 1* shall be deemed in default and is subject to the provisions of NRS 78.170 and 78.175.

3. *As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.*

*Sec. 49.5. NRS 78.105 is hereby amended to read as follows:*

78.105 1. A corporation shall keep a copy of the following records at its registered office:

(a) A copy certified by the Secretary of State of its articles of incorporation, and all amendments thereto;

(b) A copy certified by an officer of the corporation of its bylaws and all amendments thereto; and

(c) A stock ledger or a duplicate stock ledger, revised annually, containing the names, alphabetically arranged, of all persons who are stockholders of the corporation, showing their places of residence, if known, and the number of shares held by them respectively. In lieu of the stock ledger or duplicate stock ledger, the corporation may keep a statement setting out the name of the custodian of the stock ledger or duplicate stock ledger, and the present and complete mailing or street address where the stock ledger or duplicate stock ledger specified in this section is kept.

2. *A stock ledger, duplicate stock ledger or statement setting out the name of the custodian of the stock ledger or duplicate stock ledger described in paragraph (c) of subsection 1 must be maintained by the registered agent of the corporation for 3 years following the resignation or termination of the registered agent or the dissolution of the corporation by the Secretary of State.*

3. Any person who has been a stockholder of record of a corporation for at least 6 months immediately preceding his demand, or any person holding, or thereunto authorized in writing by the holders of, at least 5 percent of all of its outstanding shares, upon at least 5 days' written demand is entitled to inspect in person or by agent or attorney, during usual business hours, the records required by subsection 1 and make copies therefrom. Holders of voting trust certificates representing shares of the corporation must be regarded as stockholders for the purpose of this subsection. Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.

~~{3-}~~ 4. If any corporation willfully neglects or refuses to make any proper entry in the stock ledger or duplicate copy thereof, or neglects or refuses to permit an inspection of the records required by subsection 1 upon demand by a person entitled to inspect them, or refuses to permit copies to be made therefrom, as provided in subsection ~~{2-}~~ 3, the corporation is liable to the person injured for all damages resulting to him therefrom.

~~{4-}~~ 5. When the corporation keeps a statement in the manner provided for in paragraph (c) of subsection 1, the information contained thereon must be given to any stockholder of the corporation demanding the information,

when the demand is made during business hours. Every corporation that neglects or refuses to keep a statement available, as in this subsection required, shall forfeit to the State the sum of \$25 for every day of such neglect or refusal.

~~{5.}~~ 6. In every instance where an attorney or other agent of the stockholder seeks the right of inspection, the demand must be accompanied by a power of attorney signed by the stockholder authorizing the attorney or other agent to inspect on behalf of the stockholder.

~~{6.}~~ 7. The right to copy records under subsection ~~{2}~~ 3 includes, if reasonable, the right to make copies by photographic, xerographic or other means.

~~{7.}~~ 8. The corporation may impose a reasonable charge to recover the costs of labor and materials and the cost of copies of any records provided to the stockholder.

Sec. 50. NRS 78.150 is hereby amended to read as follows:

78.150 1. A corporation organized pursuant to the laws of this State shall, on or before the last day of the first month after the filing of its articles of incorporation with the Secretary of State, file with the Secretary of State a list, on a form furnished by him, containing:

- (a) The name of the corporation;
- (b) The file number of the corporation, if known;
- (c) The names and titles of the president, secretary and treasurer, or the equivalent thereof, and of all the directors of the corporation;
- (d) The address, either residence or business, of each officer and director listed, following the name of the officer or director;
- (e) ~~The [name and address of the lawfully designated resident agent of the corporation in this State;]~~ information required ~~{by subsection 1 of}~~ pursuant to section 31 of this act; and
- (f) The signature of an officer of the corporation certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year, file with the Secretary of State, on a form furnished by him, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

- (a) A declaration under penalty of perjury that the corporation:
  - (1) Has complied with the provisions of NRS 360.780; and
  - (2) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

(b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on his Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of

the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of \$125.

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

|                                                         |       |
|---------------------------------------------------------|-------|
| \$75,000 or less .....                                  | \$125 |
| Over \$75,000 and not over \$200,000 .....              | 175   |
| Over \$200,000 and not over \$500,000 .....             | 275   |
| Over \$500,000 and not over \$1,000,000 .....           | \$375 |
| Over \$1,000,000:                                       |       |
| For the first \$1,000,000 .....                         | 375   |
| For each additional \$500,000 or fraction thereof ..... | 275   |

➡ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is \$11,100.

5. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of \$75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 2, cause to be mailed to each corporation which is required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, a notice of the fee due pursuant to subsection 4 and a reminder to file the annual list required by subsection 2. Failure of any corporation to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective in any respect or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and must be accompanied by the appropriate fee as provided in subsection 4 for filing. A payment submitted pursuant to this subsection does not satisfy the requirements of subsection 2 for the year to which the due date is applicable.

Sec. 51. NRS 78.175 is hereby amended to read as follows:

78.175 1. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each corporation deemed in default pursuant to NRS 78.170. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

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

3. The Secretary of State shall compile a complete list containing the names of all corporations whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~resident~~ *registered* agent, each corporation specified in subsection 3 of the forfeiture of its charter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

5. If the charter of a corporation is revoked and the right to transact business is forfeited as provided in subsection 2, all the property and assets of the defaulting domestic corporation must be held in trust by the directors of the corporation as for insolvent corporations, and the same proceedings may be had with respect thereto as are applicable to insolvent corporations. Any person interested may institute proceedings at any time after a forfeiture has been declared, but, if the Secretary of State reinstates the charter, the proceedings must at once be dismissed and all property restored to the officers of the corporation.

6. Where the assets are distributed, they must be applied in the following manner:

(a) To the payment of the filing fee, penalties incurred and costs due the State;

(b) To the payment of the creditors of the corporation; and

(c) Any balance remaining, to distribution among the stockholders.

Sec. 52. NRS 78.180 is hereby amended to read as follows:

78.180 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the corporation its right to carry on business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 78.150; ~~and~~

(2) The statement required by NRS 78.153, if applicable; and

(3) ~~A certificate of acceptance of appointment signed by its resident agent;~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 78.150 and 78.170 for each year or portion thereof during which it failed to file each required annual list in a timely manner;

(2) The fee set forth in NRS 78.153, if applicable; and

(3) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to subsection ~~[8]~~ 7 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 53. NRS 78.275 is hereby amended to read as follows:

78.275 1. The directors may at such times and in such amount, as they may from time to time deem the interest of the corporation to require, levy and collect assessments upon the assessable stock of the corporation in the manner provided in this section.

2. Notice of each assessment must be given to the stockholders personally, or by publication once a week for at least 4 weeks, in some newspaper published in the county in which the ~~registered office or place of business~~ *principal office* of the corporation is located ~~[,]~~ *or, if the principal office of the corporation is not located in this State, in Carson City*, and in a newspaper published in the county wherein the property of the corporation is situated if in this State. ~~[, and if no paper is published in either of those counties, then the newspaper published nearest to the registered office in the State.]~~

3. If, after the notice has been given, any stockholder defaults in the payment of the assessment upon the shares held by him, so many of those shares may be sold as will be necessary for the payment of the assessment upon all the shares held by him, together with all costs of advertising and expenses of sale. The sale of the shares must be made at the office of the corporation at public auction to the highest bidder, after a notice thereof published for 4 weeks as directed in this section, and a copy of the notice mailed to each delinquent stockholder if his address is known 4 weeks before the sale. At the sale the person who offers to pay the assessment so due, together with the expenses of advertising and sale, for the smallest number of shares, or portion of a share, as the case may be, shall be deemed the highest bidder.

Sec. 54. NRS 78.345 is hereby amended to read as follows:

78.345 1. If any corporation fails to elect directors within 18 months after the last election of directors required by NRS 78.330, the district court has jurisdiction in equity, upon application of any one or more stockholders holding stock entitling them to exercise at least 15 percent of the voting power, to order the election of directors in the manner required by NRS 78.330.

2. The application must be made by petition filed in the county where the ~~registered~~ *principal* office of the corporation is located *or, if the principal*



*office is not located in this State, in Carson City, and must be brought on behalf of all stockholders desiring to be joined therein. Such notice must be given to the corporation and the stockholders as the court may direct.*

3. The directors elected pursuant to this section have the same rights, powers and duties and the same tenure of office as directors elected by the stockholders at the annual meeting held at the time prescribed therefor, next before the date of the election pursuant to this section, would have had.

Sec. 55. NRS 78.390 is hereby amended to read as follows:

78.390 1. ~~[Every]~~ *Except as otherwise provided in section 34 of this act, every* amendment to the articles of incorporation must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and either call a special meeting of the stockholders entitled to vote on the amendment or direct that the proposed amendment be considered at the next annual meeting of the stockholders entitled to vote on the amendment.

(b) At the meeting, of which notice must be given to each stockholder entitled to vote pursuant to the provisions of this section, a vote of the stockholders entitled to vote in person or by proxy must be taken for and against the proposed amendment. If it appears upon the canvassing of the votes that stockholders holding shares in the corporation entitling them to exercise at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have voted in favor of the amendment, an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the Secretary of State.

2. Except as otherwise provided in this subsection, if any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof. The amendment does not have to be approved by the vote of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the amendment if the articles of incorporation specifically deny the right to vote on such an amendment.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series

is adversely affected by an amendment in a different manner than other series of the same class.

5. The resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders.

6. A certificate filed pursuant to subsection 1 is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

7. If a certificate filed pursuant to subsection 1 specifies an effective date and if the resolution of the stockholders approving the proposed amendment provides that the board of directors may abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

- (a) Is filed before the effective date specified in the certificate filed pursuant to subsection 1;
- (b) Identifies the certificate being terminated;
- (c) States that, pursuant to the resolution of the stockholders, the board of directors is authorized to terminate the effectiveness of the certificate;
- (d) States that the effectiveness of the certificate has been terminated;
- (e) Is signed by an officer of the corporation; and
- (f) Is accompanied by a filing fee of \$175.

Sec. 56. NRS 78.403 is hereby amended to read as follows:

78.403 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles of incorporation as amended by filing with the Secretary of State a certificate in the manner provided in this section. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 78.380, 78.385 and 78.390, as applicable.

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and state that he has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles of incorporation as amended to the date of the certificate.

3. The following may be omitted from the restated articles:

- (a) The names, addresses, signatures and acknowledgments of the incorporators;
- (b) The names and addresses of the members of the past and present boards of directors; and
- (c) The ~~[name and address of the resident agent.]~~ *information required ~~by~~ subsection 1 of* pursuant to section 31 of this act.

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of

subsection 2, together with certified copies of all certificates of amendment filed subsequent to the restated articles and certified copies of all certificates supplementary to the original articles.

5. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 57. NRS 78.630 is hereby amended to read as follows:

78.630 1. Whenever any corporation becomes insolvent or suspends its ordinary business for want of money to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or stockholders, any creditors holding 10 percent of the outstanding indebtedness, or stockholders owning 10 percent of the outstanding stock entitled to vote, may, by petition setting forth the facts and circumstances of the case, apply to the district court of the county in which the ~~registered~~ *principal* office of the corporation is located *or, if the principal office is not located in this State, to the district court in Carson City* for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If upon such inquiry it appears to the court that the corporation has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or stockholders, so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

Sec. 58. NRS 78.730 is hereby amended to read as follows:

78.730 1. Any corporation which did exist or is existing under the laws of this State may, upon complying with the provisions of NRS 78.180, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The ~~[name of the person designated as the resident agent of the corporation, his street address for the service of process, and his mailing address if different from his street address.]~~ information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer, or the equivalent thereof, and all of its directors and their addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the voting power of the shares.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the stockholders of the corporation. The signing and filing of the certificate must be approved by the written consent of stockholders of the corporation holding at least a majority of the voting power and must contain a recital that this consent was secured. If no stock has been issued, the certificate must contain a statement of that fact, and a majority of the directors then in office may designate the person to sign the certificate. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation therein named.

Sec. 59. NRS 78.750 is hereby amended to read as follows:

78.750 1. In any action commenced against any corporation in any court of this State, service of process may be made in the manner provided by law and rule of court for the service of civil process.

2. Service of process on a corporation whose charter has been revoked or which has been continued as a body corporate pursuant to NRS 78.585 may be made by mailing copies of the process and any associated records by certified mail, with return receipt requested, to:

(a) The ~~[resident]~~ registered agent of the corporation, if there is one; and

(b) Each officer and director of the corporation as named in the list last filed with the Secretary of State before the dissolution or expiration of the corporation or the forfeiture of its charter.

↪ The manner of serving process described in this subsection does not affect the validity of any other service authorized by law.

Sec. 60. NRS 78.785 is hereby amended to read as follows:

78.785 1. ~~{The fee for filing a certificate of change of location of a corporation's registered office and resident agent, or a new designation of resident agent, is \$60.~~

~~2.}~~ The fee for certifying a copy of articles of incorporation is \$30.

~~{3.}~~ 2. The fee for certifying a copy of an amendment to articles of incorporation, or to a copy of the articles as amended, is \$30.

~~{4.}~~ 3. The fee for certifying an authorized printed copy of the general corporation law as compiled by the Secretary of State is \$30.

~~{5.}~~ 4. The fee for reserving a corporate name is \$25.

~~{6.}~~ 5. The fee for signing a certificate of corporate existence which does not list the previous records relating to the corporation, or a certificate of change in a corporate name, is \$50.

~~{7.}~~ 6. The fee for signing a certificate of corporate existence which lists the previous records relating to the corporation is \$50.

~~{8.}~~ 7. The fee for signing, certifying or filing any certificate or record not provided for in NRS 78.760 to 78.785, inclusive, is \$50.

~~{9.}~~ 8. The fee for copies provided by the Office of the Secretary of State is \$2 per page.

~~{10.}~~ 9. The fees for filing articles of incorporation, articles of merger, or certificates of amendment increasing the basic surplus of a mutual or reciprocal insurer must be computed pursuant to NRS 78.760, 78.765 and 92A.210, on the basis of the amount of basic surplus of the insurer.

~~{11.}~~ 10. The fee for examining and provisionally approving any record at any time before the record is presented for filing is \$125.

Sec. 61. NRS 78.795 is hereby amended to read as follows:

78.795 1. Any natural person or corporation residing or located in this State may register for that calendar year his willingness to serve as the ~~{resident}~~ *registered* agent of a domestic or foreign corporation, limited-liability company or limited partnership with the Secretary of State. The registration must state the full, legal name of the person or corporation willing to serve as the ~~{resident}~~ *registered* agent and be accompanied by a fee of \$500 per office location of the ~~{resident}~~ *registered* agent.

2. The Secretary of State shall maintain a list of those persons who are registered pursuant to subsection 1 and make the list available to persons seeking to do business in this State.

3. The Secretary of State may amend any information provided in the list if a person who is included in the list:

(a) Requests the amendment; and

(b) Pays a fee of \$50.

4. The Secretary of State may adopt regulations prescribing the content, maintenance and presentation of the list.

Sec. 62. NRS 80.004 is hereby amended to read as follows:

80.004 "Street address" of a ~~[resident]~~ *registered agent* means the actual physical location in this State at which a ~~[resident]~~ *registered agent* is available for service of process.

Sec. 63. NRS 80.010 is hereby amended to read as follows:

80.010 1. Before commencing or doing any business in this State, each corporation organized pursuant to the laws of another state, territory, the District of Columbia, a possession of the United States or a foreign country that enters this State to do business must:

(a) File in the Office of the Secretary of State of this State:

(1) A certificate of corporate existence issued not more than 90 days before the date of filing by an authorized officer of the jurisdiction of its incorporation setting forth the filing of records and instruments related to the articles of incorporation, or the governmental acts or other instrument or authority by which the corporation was created. If the certificate is in a language other than English, a translation, together with the oath of the translator and his attestation of its accuracy, must be attached to the certificate.

~~(2) [A certificate of acceptance of appointment signed by its resident agent, who must be a resident or located in this State. The certificate must set forth the name of the resident agent, his street address for the service of process, and his mailing address if different from his street address.] The information required ~~by subsection 1 of~~ pursuant to section 31 of this act.~~  
The street address of the ~~[resident]~~ *registered agent* is the registered office of the corporation in this State.

(3) A statement signed by an officer of the corporation setting forth:

(I) A general description of the purposes of the corporation; and

(II) The authorized stock of the corporation and the number and par value of shares having par value and the number of shares having no par value.

(b) Lodge in the Office of the Secretary of State a copy of the record most recently filed by the corporation in the jurisdiction of its incorporation setting forth the authorized stock of the corporation, the number of par-value shares and their par value, and the number of no-par-value shares.

2. The Secretary of State shall not file the records required by subsection 1 for any foreign corporation whose name is not distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title, unless the written, acknowledged consent of the holder of the name on file or reserved name to use the same name or the requested similar name accompanies the articles of incorporation.

3. For the purposes of this section and NRS 80.012, a proposed name is not distinguishable from a name on file or reserved solely because one or the

other names contains distinctive lettering, a distinctive mark, a trademark or trade name, or any combination thereof.

4. The name of a foreign corporation whose charter has been revoked, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the words "engineer," "engineered," "engineering," "professional engineer," "registered engineer" or "licensed engineer" unless the State Board of Professional Engineers and Land Surveyors certifies that:

(a) The principals of the corporation are licensed to practice engineering pursuant to the laws of this State; or

(b) The corporation is exempt from the prohibitions of NRS 625.520.

6. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if it appears from the records that the business to be carried on by the corporation is subject to supervision by the Commissioner of Financial Institutions, unless the Commissioner certifies that:

(a) The corporation has obtained the authority required to do business in this State; or

(b) The corporation is not subject to or is exempt from the requirements for obtaining such authority.

7. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the foreign corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the foreign corporation is not engaged in the practice of accounting and is not offering to practice accounting in this State.

8. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 64. NRS 80.060 is hereby amended to read as follows:

80.060 Every foreign corporation owning property or doing business in this State shall appoint and keep in this State a ~~resident~~ *registered* agent as provided in NRS 14.020.

Sec. 65. NRS 80.070 is hereby amended to read as follows:

80.070 1. ~~A foreign corporation may change its resident agent by filing with the Secretary of State:~~

~~(a) A certificate of change of resident agent, signed by an officer of the corporation, setting forth:~~

~~(1) The name of the corporation;~~

~~(2) The name and street address of the present resident agent; and~~

~~(3) The name and street address of the new resident agent; and  
(b) A certificate of acceptance signed by the new resident agent, which must be a part of or attached to the certificate of change of resident agent.~~

~~2.— If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:~~

~~(a) File with the Secretary of State a certificate of name change of resident agent that includes:~~

~~(1) The current name of the resident agent as filed with the Secretary of State;~~

~~(2) The new name of the resident agent; and~~

~~(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and~~

~~(b) Pay to the Secretary of State a filing fee of \$100.~~

~~3.— A change authorized by subsection 1 or 2 becomes effective upon the filing of the proper certificate of change.~~

~~4.— A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the corporation for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~↪ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~5.— Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation is not accompanied by a statement of the corporation appointing a successor resident agent, the resigning resident agent shall give written notice, by mail, to the corporation, of the filing of the statement and its effect. The notice must be addressed to any officer of the corporation other than the resident agent.~~

~~6.— If a [resident agent dies, resigns or moves from the State,] registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act, the corporation, [within 30 days thereafter,] before the effective date of the resignation or termination, shall file with the Secretary of State a [certificate of acceptance signed by the new resident agent. The certificate must set forth the name of the new resident agent, his street address for the service of process, and his mailing address if different from his street address.~~

~~7.— statement of change of registered agent pursuant to section 34 of this act.~~



2. A corporation that fails to ~~file a certificate of acceptance signed by a new resident agent within 30 days after the death, resignation or removal of its resident agent~~ *comply with subsection 1* shall be deemed in default and is subject to the provisions of NRS 80.150 and 80.160.

3. *As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.*

Sec. 66. NRS 80.090 is hereby amended to read as follows:

80.090 If a foreign corporation doing business in this State maintains and keeps in the State a ~~resident~~ *registered agent* as provided by NRS 80.060 and files or has microfilmed the papers, records and instruments required by NRS 80.010 to 80.040, inclusive, the foreign corporation is entitled to the benefit of the laws of this State limiting the time for the commencement of civil actions.

Sec. 67. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the filing of its certificate of corporate existence with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors;

(b) The ~~name and street address of the lawfully designated resident agent of the corporation in this State;~~ *information required ~~by subsection 1 of~~ pursuant to section 31 of this act;* and

(c) The signature of an officer of the corporation.

~~1.~~

2. Each list filed pursuant to ~~this~~ *subsection 1* must be accompanied by ~~it~~.

(a) A declaration under penalty of perjury that the foreign corporation has complied with the provisions of NRS 360.780 and which acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State. ~~Each list filed pursuant to this subsection must also be accompanied by a~~

(b) A statement as to whether the *foreign* corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on his Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

~~2.~~ 3. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

|                                                         |       |
|---------------------------------------------------------|-------|
| \$75,000 or less .....                                  | \$125 |
| Over \$75,000 and not over \$200,000 .....              | 175   |
| Over \$200,000 and not over \$500,000 .....             | 275   |
| Over \$500,000 and not over \$1,000,000 .....           | 375   |
| Over \$1,000,000:                                       |       |
| For the first \$1,000,000 .....                         | 375   |
| For each additional \$500,000 or fraction thereof ..... | 275   |

➔ The maximum fee which may be charged pursuant to paragraph (b) for filing the annual list is \$11,100.

~~3.4.~~ 4. If a director or officer of a corporation resigns and the resignation is not reflected on the annual or amended list of directors and officers, the corporation or the resigning director or officer shall pay to the Secretary of State a fee of \$75 to file the resignation.

~~4.5.~~ 5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each corporation which is required to comply with the provisions of NRS 80.110 to 80.175, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.175, inclusive.

~~5.6.~~ 6. An annual list for a corporation not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 68. NRS 80.160 is hereby amended to read as follows:

80.160 1. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each corporation deemed in default pursuant to NRS 80.150. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of incorporation occurs, the Secretary of State shall compile a complete list containing the names of all corporations whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each corporation specified in subsection 2 of the forfeiture of its right to do business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

Sec. 69. NRS 80.170 is hereby amended to read as follows:

80.170 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a corporation which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list as provided in NRS 80.110 and 80.140; ~~and~~

(2) The statement required by NRS 80.115, if applicable; and

(3) ~~[A certificate of acceptance of appointment signed by its resident agent;]~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 80.110 and 80.150 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 80.115, if applicable; and

(3) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the corporation, he shall issue to the corporation a certificate of reinstatement if the corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to subsection ~~[8]~~ 7 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 70. NRS 81.0025 is hereby amended to read as follows:

81.0025 "Street address" of a ~~resident~~ *registered* agent means the actual physical location in this State at which a ~~resident~~ *registered* agent is available for service of process.

Sec. 71. NRS 81.040 is hereby amended to read as follows:

81.040 Each corporation formed under NRS 81.010 to 81.160, inclusive, must prepare and file articles of incorporation in writing, setting forth:

1. The name of the corporation.

2. The purpose for which it is formed.

3. ~~The [name of the person designated as the resident agent, the street address for the service of process, and the mailing address if different from the street address.]~~ information required [by subsection 1 of] pursuant to section 31 of this act.

4. The term for which it is to exist, which may be perpetual.

5. If formed with stock, the amount of its stock and the number and par value, if any, and the shares into which it is divided, and the amount of

common and of preferred stock that may be issued with the preferences, privileges, voting rights, restrictions and qualifications pertaining thereto.

6. The names and addresses of those selected to act as directors, not less than three, for the first year or until their successors have been elected and have accepted office.

7. Whether the property rights and interest of each member are equal or unequal, and if unequal the articles must set forth a general rule applicable to all members by which the property rights and interests of each member may be determined, but the corporation may admit new members who may vote and share in the property of the corporation with the old members, in accordance with the general rule.

8. The name and mailing or street address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 72. NRS 81.060 is hereby amended to read as follows:

81.060 1. The articles of incorporation must be:

(a) Signed by three or more of the original members, a majority of whom must be residents of this State.

(b) Filed ~~[, together with a certificate of acceptance of appointment signed by the resident agent of the corporation.]~~ in the Office of the Secretary of State in all respects in the same manner as other articles of incorporation are filed.

2. If a corporation formed under NRS 81.010 to 81.160, inclusive, is authorized to issue stock, there must be paid to the Secretary of State for filing the articles of incorporation the fee applicable to the amount of authorized stock of the corporation which the Secretary of State is required by law to collect upon the filing of articles of incorporation which authorize the issuance of stock.

3. The Secretary of State shall issue to the corporation over the Great Seal of the State a certificate that a copy of the articles containing the required statements of facts has been filed in his office.

4. Upon the issuance of the certificate by the Secretary of State, the persons signing the articles and their associates and successors are a body politic and corporate. When so filed, the articles of incorporation or certified copies thereof must be received in all the courts of this State, and other places, as prima facie evidence of the facts contained therein.

Sec. 73. NRS 81.200 is hereby amended to read as follows:

81.200 1. Each association formed under NRS 81.170 to 81.270, inclusive, shall prepare articles of association in writing, setting forth:

(a) The name of the association.

(b) The purpose for which it is formed.

(c) The ~~[name of the person designated as the resident agent, the street address for service of process, and the mailing address if different from the street address.]~~ information required ~~by subsection 1 of~~ pursuant to section 31 of this act.

(d) The term for which it is to exist, which may be perpetual.

(e) The names and addresses, either residence or business, of the directors selected for the first year.

(f) The amount which each member is to pay upon admission as a fee for membership, and that each member signing the articles has actually paid the fee.

(g) That the interest and right of each member therein is to be equal.

(h) The name and address, either residence or business, of each of the persons signing the articles of association.

2. The articles of association must be signed by the original associates or members.

3. The articles so signed must be filed ~~[, together with a certificate of acceptance of appointment signed by the resident agent for the association,]~~ in the Office of the Secretary of State. From the time of the filing in the Office of the Secretary of State, the association may exercise all the powers for which it was formed.

Sec. 74. NRS 81.440 is hereby amended to read as follows:

81.440 Each corporation formed under NRS 81.410 to 81.540, inclusive, shall prepare and file articles of incorporation in writing, setting forth:

1. The name of the corporation.

2. The purpose for which it is formed.

3. The ~~[name of the person designated as the resident agent, the street address for service of process, and the mailing address if different from the street address.]~~ information required ~~by subsection 1 of~~ pursuant to section 31 of this act.

4. The term for which it is to exist, which may be perpetual.

5. The number of directors thereof, which must be not less than three and which may be any number in excess thereof, and the names and residences of those selected for the first year and until their successors have been elected and have accepted office.

6. Whether the voting power and the property rights and interest of each member are equal or unequal, and if unequal the articles must set forth a general rule applicable to all members by which the voting power and the property rights and interests of each member may be determined, but the corporation may admit new members who may vote and share in the property of the corporation with the old members, in accordance with the general rule.

7. The name and mailing or street address, either residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 75. NRS 81.450 is hereby amended to read as follows:

81.450 1. The articles of incorporation must be:

(a) Signed by three or more of the original members, a majority of whom must be residents of this State.

(b) Filed ~~[, together with a certificate of acceptance of appointment signed by the resident agent for the corporation,]~~ in the Office of the Secretary of State in all respects in the same manner as other articles of incorporation are filed.

2. The Secretary of State shall issue to the corporation over the Great Seal of the State a certificate that a copy of the articles containing the required statements of facts has been filed in his office.

3. Upon the issuance of the certificate by the Secretary of State, the persons signing the articles and their associates and successors are a body politic and corporate. When so filed, the articles of incorporation or certified copies thereof must be received in all the courts of this State, and other places, as prima facie evidence of the facts contained therein.

Sec. 76. Chapter 82 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Principal office" has the meaning ascribed to it in NRS 78.010.*

Sec. 77. NRS 82.006 is hereby amended to read as follows:

82.006 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 82.011 to 82.044, inclusive, *and section 76 of this act* have the meanings ascribed to them in those sections.

Sec. 78. NRS 82.041 is hereby amended to read as follows:

82.041 "Registered office" of a corporation means the office maintained at the street address of its ~~resident~~ *registered agent*.

Sec. 79. NRS 82.044 is hereby amended to read as follows:

82.044 "Street address" of a ~~resident~~ *registered agent* means the actual physical location in this State at which a ~~resident~~ *registered agent* is available for service of process.

Sec. 80. NRS 82.063 is hereby amended to read as follows:

82.063 1. The board of directors of a corporation without shares of stock which was organized before October 1, 1991, pursuant to any provision of chapter 81 of NRS or a predecessor statute and whose permissible term of existence as stated in the articles of incorporation has expired, may, within 10 years after the date of the expiration of its existence, elect to revive its charter and accept this chapter by adopting a resolution reviving the expired charter and adopting new articles of incorporation conforming to this chapter and any other statutes pursuant to which the corporation may have been organized. The new articles of incorporation need not contain the names, addresses, signatures or acknowledgments of the incorporators.

2. A certificate of election to accept this chapter pursuant to this section must be signed by an officer of the corporation and must set forth:

(a) The name of the corporation.

(b) A statement by the corporation that it has elected to accept this chapter and adopt new articles of incorporation conforming to the provisions of this chapter and any other statutes pursuant to which the corporation may have been organized.

(c) A statement by the corporation that since the expiration of its charter it has remained organized and continued to carry on the activities for which it was formed and authorized by its original articles of incorporation and amendments thereto, and desires to continue through revival its existence pursuant to and subject to the provisions of this chapter.

(d) A statement that the attached copy of the articles of incorporation of the corporation are the new articles of incorporation of the corporation.

(e) A statement setting forth the date of the meeting of the board of directors at which the election to accept and adopt was made, that a quorum was present at the meeting and that the acceptance and adoption were authorized by a majority vote of the directors present at the meeting.

(f) *The information required ~~by subsection 1 of~~ pursuant to section 31 of this act.*

3. The certificate so signed ~~[and a certificate of acceptance of appointment signed by the resident agent of the corporation]~~ must be filed in the Office of the Secretary of State.

4. The new articles of incorporation become effective on the date of filing the certificate. The corporation's existence continues from the date of expiration of the original term, with all the corporation's rights, franchises, privileges and immunities and subject to all its existing and preexisting debts, duties and liabilities.

Sec. 81. NRS 82.081 is hereby amended to read as follows:

82.081 1. One or more natural persons may associate to establish a corporation no part of the income or profit of which is distributable to its members, directors or officers, except as otherwise provided in this chapter, for the transaction of any lawful business, or to promote or conduct any legitimate object or purpose, pursuant and subject to the requirements of this chapter, by ~~[-~~

~~(a) Signing]~~ signing and filing in the Office of the Secretary of State articles of incorporation. ~~[- and~~

~~(b) Filing a certificate of acceptance of appointment, signed by the resident agent of the corporation, in the Office of the Secretary of State.]~~

2. The Secretary of State shall require articles of incorporation to be in the form prescribed by NRS 82.086. If any articles are defective in this respect, the Secretary of State shall return them for correction.

Sec. 82. NRS 82.086 is hereby amended to read as follows:

82.086 The articles of incorporation must set forth:

1. The name of the corporation. A name appearing to be that of a natural person and containing a given name or initials must not be used as a corporate name except with an additional word or words such as "Incorporated," "Inc.," "Limited," "Ltd.," "Company," "Co.," "Corporation," "Corp.," or other word which identifies it as not being a natural person.

2. The ~~[name of the person designated as the corporation's resident agent, his street address where he maintains an office for service of process, and his mailing address if different from the street address.]~~ information required ~~by subsection 1 of~~ pursuant to section 31 of this act.

3. That the corporation is a nonprofit corporation.

4. The nature of the business, or objects or purposes proposed to be transacted, promoted or carried on by the corporation. It is sufficient to state, either alone or with other purposes, that the corporation may engage in any

lawful activity, subject to expressed limitations, if any. Such a statement makes all lawful activities within the objects or purposes of the corporation.

5. The names and mailing or street addresses, residence or business, of the first board of directors or trustees, together with any desired provisions relative to the right to change the number of directors.

6. The names and mailing or street address, residence or business, of each of the incorporators signing the articles of incorporation.

Sec. 83. NRS 82.111 is hereby amended to read as follows:

82.111 1. Upon the filing of the articles of incorporation ~~[and the certificate of acceptance]~~ pursuant to NRS 82.081 ~~[ ]~~ and the payment of the filing fees, the Secretary of State shall issue to the corporation a certificate that the articles, containing the required statement of facts, have been filed in his office. Upon the filing of the articles, the corporation is a body corporate, by the name set forth in the articles, subject to the forfeiture of its charter and dissolution as provided in this chapter.

2. The filing of the articles does not, by itself, constitute commencement of business by the corporation.

Sec. 84. NRS 82.193 is hereby amended to read as follows:

82.193 1. A corporation shall have a ~~[resident]~~ *registered* agent in the manner provided in NRS 78.090 ~~[, 78.095, 78.097 and 78.110.]~~ and 78.097. The ~~[resident]~~ *registered* agent and the corporation shall comply with the provisions of those sections.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a corporation which is a unit-owners' association as defined in NRS 116.011 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the corporation to be in default. If, after the corporation is deemed to be in default, the Administrator notifies the Secretary of State that the corporation has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the corporation if the corporation complies with the requirements for reinstatement as provided in this section and NRS 78.180 and 78.185.

3. A corporation is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

- (a) The fee for filing a list is \$25;
- (b) The penalty added for default is \$50; and
- (c) The fee for reinstatement is \$100.

Sec. 85. NRS 82.306 is hereby amended to read as follows:

82.306 1. If any corporation fails to elect directors within 18 months after the last election of directors required by NRS 82.286, the district court has jurisdiction in equity, upon application of any one or more of the members of the corporation representing 10 percent of the voting power of the members entitled to vote for the election of directors or for the election of



delegates who are entitled to elect directors, or 50 members, whichever is less, to order the election of directors as required by NRS 82.286.

2. The application must be made by petition filed in the county where the ~~registered~~ principal office of the corporation is located *or, if the principal office is not located in this State, in Carson City*, and must be brought on behalf of all members desiring to be joined therein. Such notice must be given to the corporation and the members as the court may direct.

Sec. 86. NRS 82.356 is hereby amended to read as follows:

82.356 1. ~~Each~~ *Except as otherwise provided in section 34 of this act, each* amendment adopted pursuant to the provisions of NRS 82.351 must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed, approve it and, if the corporation has members entitled to vote on an amendment to the articles, call a meeting, either annual or special, of the members. The amendment must also be approved by each public official or other person whose approval of an amendment of articles is required by the articles.

(b) At the meeting of members, of which notice must be given to each member entitled to vote pursuant to the provisions of this section, a vote of the members entitled to vote in person or by proxy must be taken for and against the proposed amendment. A majority of a quorum of the voting power of the members or such greater proportion of the voting power of members as may be required in the case of a vote by classes, as provided in subsection 3, or as may be required by the articles, must vote in favor of the amendment.

(c) Upon approval of the amendment by the directors, or if the corporation has members entitled to vote on an amendment to the articles, by both the directors and those members, and such other persons or public officers, if any, as are required to do so by the articles, an officer of the corporation must sign a certificate setting forth the amendment, or setting forth the articles as amended, that the public officers or other persons, if any, required by the articles have approved the amendment, and the vote of the members and directors by which the amendment was adopted.

(d) The certificate so signed must be filed in the Office of the Secretary of State.

2. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

3. If any proposed amendment would alter or change any preference or any relative or other right given to any class of members, then the amendment must be approved by the vote, in addition to the affirmative vote otherwise required, of the holders of a majority of a quorum of the voting power of each class of members affected by the amendment regardless of limitations or restrictions on their voting power.

4. In the case of any specified amendments, the articles may require a larger vote of members than that required by this section.

Sec. 87. NRS 82.371 is hereby amended to read as follows:

82.371 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles as amended by filing with the Secretary of State a certificate which must set forth the articles as amended to the date of the certificate. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 82.346, 82.351 and 82.356, as applicable, and must be accompanied by a form prescribed by the Secretary of State setting forth which provisions of the articles of incorporation on file with the Secretary of State are being altered or amended.

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and must state that he has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles as amended to the date of the certificate.

3. The following may be omitted from the restated articles:

(a) The names, addresses, signatures and acknowledgments of the incorporators;

(b) The names and addresses of the members of the past and present board of directors; and

(c) The ~~[name and address of the resident agent.]~~ *information required by subsection 1 of* pursuant to section 31 of this act.

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed after the restated articles and certified copies of all certificates supplementary to the original articles.

5. A certificate filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

Sec. 88. NRS 82.471 is hereby amended to read as follows:

82.471 1. Whenever any corporation becomes insolvent or suspends its ordinary business for want of funds to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or members, creditors holding 10 percent of the outstanding indebtedness, or members, if any, having 10 percent of the voting power to elect directors, may, by petition or bill of complaint setting forth the facts and circumstances of the case, apply to the district court of the county in which the ~~[registered]~~ *principal* office of the corporation is located *or to the district court in Carson City* for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition or bill, and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If upon the inquiry it appears to the court that the corporation has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or members, so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, money, funds, lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

Sec. 89. NRS 82.486 is hereby amended to read as follows:

82.486 1. The persons described in subsections 2 and 3 may apply to the district court in the district where the corporation has its ~~registered office~~ *principal office or, if the principal office is not located in this State, to the district court in Carson City:*

(a) For an order dissolving the corporation and appointing a receiver to wind up its affairs, and by injunction restrain the corporation from exercising any of its powers or doing business whatsoever, except by or through a receiver appointed by the court; or

(b) For such other equitable relief that is just and proper in the circumstances.

2. A member or members, if any, holding at least one-third of the voting power for the election of directors or a majority of the directors in office, may apply for the relief described in subsection 1 whenever it is established that:

(a) The corporation has willfully violated its charter;

(b) Its trustees or directors have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;

(c) Its trustees or directors have been guilty of misfeasance, malfeasance or nonfeasance;

(d) The corporation is unable to conduct its activities or conserve its assets by reason of the act, neglect or refusal to function of any of the directors or trustees;

(e) The assets of the corporation are in danger of waste, misapplication, sacrifice or loss;

(f) The corporation has abandoned its business;

(g) The corporation has not proceeded diligently to wind up its affairs or to distribute its assets in a reasonable time;

(h) The corporation has become insolvent;

(i) The corporation, although not insolvent, is for any cause not able to pay its debts or other obligations as they mature;

(j) The corporation is not about to resume its business with safety to the public;

(k) The period of corporate existence has expired and has not been lawfully extended;

(l) The corporation has solicited property and has failed to use it for the purpose solicited;

(m) The corporation has fraudulently used or solicited property; or

(n) The corporation has exceeded its powers.

3. The Attorney General may apply for the relief described in subsection 1 whenever the corporation is a corporation for public benefit and whenever it is established that:

(a) The corporation has willfully violated its charter;

(b) Its trustees or directors have been guilty of fraud or collusion or gross mismanagement in the conduct or control of its affairs;

(c) The corporation has abandoned its business;

(d) The corporation has become insolvent;

(e) The corporation, although not insolvent, is for any cause not able to pay its debts or other obligations as they mature;

(f) The corporation has solicited property and has failed to use it for the purpose solicited;

(g) The corporation has fraudulently used or solicited property; or

(h) The period of corporate existence has expired and has not been lawfully extended.

4. Any person or superior organization under which the corporation was formed, if expressly authorized to act by the articles, may apply for the relief described in subsection 1 pursuant to the grounds, if any, set forth in the articles.

Sec. 90. NRS 82.523 is hereby amended to read as follows:

82.523 1. Each foreign nonprofit corporation doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign nonprofit corporation with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign nonprofit corporation;

(b) The file number of the foreign nonprofit corporation, if known;

(c) The names and titles of the president, the secretary and the treasurer, or the equivalent thereof, and all the directors of the foreign nonprofit corporation;

(d) The address, either residence or business, of the president, secretary and treasurer, or the equivalent thereof, and each director of the foreign nonprofit corporation;

(e) The ~~name and address of its lawfully designated resident agent in this State;~~ information required ~~by subsection 1 of~~ pursuant to section 31 of this act; and

(f) The signature of an officer of the foreign nonprofit corporation certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign nonprofit corporation:

(a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing the initial list and each annual list pursuant to this section, the foreign nonprofit corporation must pay to the Secretary of State a fee of \$25.

4. The Secretary of State shall, 60 days before the last day for filing each annual list, cause to be mailed to each foreign nonprofit corporation which is required to comply with the provisions of NRS 82.523 to 82.5239, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign nonprofit corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 82.523 to 82.5239, inclusive.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list for a foreign nonprofit corporation not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 91. NRS 82.5236 is hereby amended to read as follows:

82.5236 1. The Secretary of State shall notify, by providing written notice to its ~~resident~~ registered agent, each foreign nonprofit corporation deemed in default pursuant to NRS 82.5235. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ registered agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of incorporation occurs, the Secretary of State shall compile a complete list containing the names of all foreign nonprofit corporations whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~resident~~ registered agent, each foreign nonprofit corporation specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~{resident}~~ *registered* agent, may be provided electronically.

Sec. 92. NRS 82.5237 is hereby amended to read as follows:

82.5237 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign nonprofit corporation which has forfeited or which forfeits its right to transact business pursuant to the provisions of NRS 82.523 to 82.5239, inclusive, and restore to the foreign nonprofit corporation its right to transact business in this State, and to exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State a list as provided in NRS 82.523; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 82.523 and 82.5235 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of \$100 for reinstatement.

2. When the Secretary of State reinstates the foreign nonprofit corporation, he shall issue to the foreign nonprofit corporation a certificate of reinstatement if the foreign nonprofit corporation:

(a) Requests a certificate of reinstatement; and

(b) Pays the fees as provided in subsection ~~{8}~~ 7 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign nonprofit corporation to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 93. NRS 82.546 is hereby amended to read as follows:

82.546 1. Any corporation which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 78.150 and 82.193, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or its existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the corporation, which must be the name of the corporation at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The ~~{name and street address of the lawfully designated resident agent of the filing corporation, and his mailing address if different from his~~

~~street address.] information required ~~by subsection 1 of~~ pursuant to section 31 of this act.~~

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the corporation desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its president, secretary and treasurer and all of its directors and their mailing or street addresses, either residence or business.

2. A corporation whose charter has not expired and is being renewed shall cause the certificate to be signed by an officer of the corporation. The certificate must be approved by a majority of the last-appointed surviving directors.

3. A corporation seeking to revive its original or amended charter shall cause the certificate to be signed by its president or vice president and secretary or assistant secretary. The signing and filing of the certificate must be approved unanimously by the last-appointed surviving directors of the corporation and must contain a recital that unanimous consent was secured. The corporation shall pay to the Secretary of State the fee required to establish a new corporation pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence and incorporation of the corporation named therein.

Sec. 94. NRS 84.006 is hereby amended to read as follows:

84.006 "Street address" of a ~~resident~~ registered agent means the actual physical location in this State at which a ~~resident~~ registered agent is available for service of process.

Sec. 95. NRS 84.020 is hereby amended to read as follows:

84.020 An archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or clergyman of a church or religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination, and in whom is vested the legal title to property held for the purposes, use or benefit of the church or religious society or denomination, may make and sign written articles of incorporation, in duplicate, and file one copy of the articles ~~together with a certificate of acceptance of appointment signed by the resident agent of the~~

~~corporation,]~~ in the Office of the Secretary of State and retain possession of the other.

Sec. 96. NRS 84.030 is hereby amended to read as follows:

84.030 The articles of incorporation must specify:

1. The name of the corporation, which must be the name of the person making and subscribing the articles and the title of his office in the church or religious society, naming it if desired, and followed by the words "and his successors, a corporation sole," or the title of his office in the church or religious society, naming it if desired, and followed by the words "and his successors, a corporation sole."

2. The object of the corporation.

3. The title of the person making the articles, and the manner in which any vacancy occurring in the incumbency of an archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent, other presiding officer or clergyman is required by the rules, regulations or discipline of such church, society or denomination to be filled.

4. ~~The [name of the natural person or corporation designated as the corporation's resident agent, the street address for the service of process, and the mailing address if different from the street address.]~~ *information required [by subsection 1 of] pursuant to section 31 of this act.*

Sec. 97. NRS 84.110 is hereby amended to read as follows:

84.110 1. Every corporation sole must have a ~~[resident]~~ *registered* agent in the manner provided in NRS 78.090 and ~~[78.095, subsections 1 to 4, inclusive, of NRS]~~ 78.097 . ~~[and NRS 78.110. The resident]~~ *The registered* agent shall comply with the provisions of those sections.

2. ~~[A corporation sole that fails to file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.]~~

~~3.]~~ A corporation sole is subject to the provisions of NRS 78.150 to 78.185, inclusive, except that:

- (a) The fee for filing a list is \$25;
- (b) The penalty added for default is \$50; and
- (c) The fee for reinstatement is \$100.

Sec. 98. NRS 84.120 is hereby amended to read as follows:

84.120 1. ~~[A resident agent who wishes to resign shall:]~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the corporation for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➔ A resignation is not effective until the signed statement is filed with the Secretary of State.~~



~~2.—The statement of resignation may contain a statement of the affected corporation sole appointing a successor resident agent for that corporation. A certificate of acceptance signed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the new resident agent, must accompany the statement appointing a successor resident agent.~~

~~3.—Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the corporation sole appointing a successor resident agent, the resigning resident agent shall immediately give written notice, by mail, to the corporation of the filing of the statement and its effect. The notice must be addressed to the person in whom is vested the legal title to property specified in NRS 84.020.~~

~~4.] If a [resident agent dies, resigns or removes from the State,] registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act, the corporation sole, [within 30 days thereafter,] before the effective date of the resignation or termination, shall file with the Secretary of State a [certificate of acceptance signed by the new resident agent. The certificate must set forth the full name and complete street address of the new resident agent for the service of process, and may have a separate mailing address, such as a post office box, which may be different from the street address.~~

~~5.] statement of change of registered agent pursuant to section 34 of this act.~~

~~2. A corporation sole that fails to [file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its former resident agent] comply with subsection 1 shall be deemed in default and is subject to the provisions of NRS 84.130 and 84.140.~~

~~3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.~~

Sec. 99. NRS 84.140 is hereby amended to read as follows:

84.140 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ registered agent, each corporation sole deemed in default pursuant to the provisions of this chapter. The notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ registered agent, may be provided electronically.

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

3. The Secretary of State shall compile a complete list containing the names of all corporations sole whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~resident~~ *registered* agent, each corporation specified in subsection 3 of the forfeiture of its charter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

Sec. 100. NRS 84.150 is hereby amended to read as follows:

84.150 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any corporation sole which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its corporate privileges and immunities, if it:

(a) Files with the Secretary of State ~~[a certificate of acceptance of appointment signed by the resident agent of the corporation;]~~ *the information required ~~by subsection 1 of~~ pursuant to section 31 of this act;* and

(b) Pays to the Secretary of State:

(1) The filing fees and penalties set forth in this chapter for each year or portion thereof during which its charter has been revoked; and

(2) A fee of \$25 for reinstatement.

2. When the Secretary of State reinstates the corporation to its former rights, he shall:

(a) Immediately issue and deliver to the corporation a certificate of reinstatement authorizing it to transact business, as if the fees had been paid when due; and

(b) Upon demand, issue to the corporation a certified copy of the certificate of reinstatement.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of its charter occurred only by reason of its failure to pay the fees and penalties.

4. If a corporate charter has been revoked pursuant to the provisions of this chapter and has remained revoked for 10 consecutive years, the charter must not be reinstated.

Sec. 101. Chapter 86 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Registered agent" has the meaning ascribed to it in section 24 of this act.*

Sec. 102. NRS 86.011 is hereby amended to read as follows:

86.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 86.022 to 86.128, inclusive, *and section 101 of this act* have the meanings ascribed to them in those sections.

Sec. 103. NRS 86.121 is hereby amended to read as follows:

86.121 "Registered office" of a limited-liability company means the office maintained at the street address of its ~~resident~~ *registered* agent.

Sec. 104. NRS 86.128 is hereby amended to read as follows:

86.128 "Street address" of a ~~{resident}~~ *registered* agent means the actual physical location in this State at which a ~~{resident}~~ *registered* agent is available for service of process.

Sec. 105. NRS 86.151 is hereby amended to read as follows:

86.151 1. One or more persons may form a limited-liability company by ~~{~~:

~~(a) Signing} signing~~ and filing with the Secretary of State articles of organization for the company. ~~{~~ ~~and~~

~~(b) Filing with the Secretary of State a certificate of acceptance of appointment, signed by the resident agent of the company.}~~

2. Upon the filing of the articles of organization ~~{and the certificate of acceptance}~~ with the Secretary of State ~~{,}~~ and the payment to him of the required filing fees, the Secretary of State shall issue to the company a certificate that the articles, containing the required statement of facts, have been filed.

3. A signer of the articles of organization or a manager designated in the articles does not thereby become a member of the company. At all times after commencement of business by the company, the company must have one or more members. The filing of the articles does not, by itself, constitute commencement of business by the company.

Sec. 106. NRS 86.161 is hereby amended to read as follows:

86.161 1. The articles of organization must set forth:

(a) The name of the limited-liability company;

(b) The ~~{name and complete street address of its resident agent, and the mailing address of the resident agent if different from the street address;}~~ information required by subsection 1 of pursuant to section 31 of this act;

(c) The name and address, either residence or business, of each of the organizers signing the articles;

(d) If the company is to be managed by:

(1) One or more managers, the name and address, either residence or business, of each initial manager; or

(2) The members, the name and address, either residence or business, of each initial member; and

(e) If the company is to have one or more series of members and the debts or liabilities of any series are to be enforceable against the assets of that series only and not against the assets of another series or the company generally, a statement to that effect and a statement:

(1) Setting forth the relative rights, powers and duties of the series; or

(2) Indicating that the relative rights, powers and duties of the series will be set forth in the operating agreement or established as provided in the operating agreement.

2. The articles may set forth any other provision, not inconsistent with law, which the members elect to set out in the articles of organization for the regulation of the internal affairs of the company, including any provisions

which under this chapter are required or permitted to be set out in the operating agreement of the company.

3. It is not necessary to set out in the articles of organization:

(a) The rights of the members to contract debts on behalf of the limited-liability company if the limited-liability company is managed by its members;

(b) The rights of the manager or managers to contract debts on behalf of the limited-liability company if the limited-liability company is managed by a manager or managers; or

(c) Any of the powers enumerated in this chapter.

Sec. 107. NRS 86.201 is hereby amended to read as follows:

86.201 1. A limited-liability company is considered legally organized pursuant to this chapter upon:

(a) Filing the articles of organization with the Secretary of State or upon a later date specified in the articles of organization; *and*

(b) ~~Filing the certificate of acceptance of the resident agent with the Secretary of State; and~~

~~(c)~~ Paying the required filing fees to the Secretary of State.

2. A limited-liability company must not transact business or incur indebtedness, except that which is incidental to its organization or to obtaining subscriptions for or payment of contributions, until the company is considered legally organized pursuant to subsection 1.

Sec. 108. NRS 86.221 is hereby amended to read as follows:

86.221 1. The articles of organization of a limited-liability company may be amended for any purpose, not inconsistent with law, as determined by all of the members or permitted by the articles or an operating agreement.

2. ~~An~~ *Except as otherwise provided in section 34 of this act, an* amendment must be made in the form of a certificate setting forth:

(a) The name of the limited-liability company;

(b) Whether the limited-liability company is managed by managers or members; and

(c) The amendment to the articles of organization.

3. The certificate of amendment must be signed by a manager of the company or, if management is not vested in a manager, by a member.

4. Restated articles of organization may be signed and filed in the same manner as a certificate of amendment. If the certificate alters or amends the articles in any manner, it must be accompanied by a form prescribed by the Secretary of State setting forth which provisions of the articles of organization on file with the Secretary of State are being altered or amended.

5. The following may be omitted from the restated articles of organization:

(a) The names, addresses, signatures and acknowledgments of the organizers;

(b) The names and addresses of the past and present members or managers; and

(c) The ~~[name and address of the resident agent.]~~ information required ~~by subsection 1 of~~ *pursuant to section 31 of this act.*

Sec. 109. NRS 86.231 is hereby amended to read as follows:

86.231 ~~[1. Except during any period of vacancy described in NRS 86.251, a]~~ A limited-liability company shall have a ~~[resident]~~ registered agent who must have a street address for the service of process. The street address of the ~~[resident]~~ registered agent is the registered office of the limited-liability company in this State.

~~[2. Within 30 days after changing the location of his office from one address to another in this State, a resident agent shall file a certificate with the Secretary of State setting forth the names of the limited liability companies represented by him, the address at which he has maintained the office for each of the limited liability companies, and the new address to which the office is transferred.]~~

Sec. 110. NRS 86.251 is hereby amended to read as follows:

86.251 1. ~~[A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the limited liability company for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➔ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected limited liability company appointing a successor resident agent for that limited liability company, giving the agent's full name, street address for the service of process, and mailing address if different from the street address. A certificate of acceptance signed by the new resident agent must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the limited liability company appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited liability company of the filing of the statement and its effect. The notice must be addressed to any manager or, if none, to any member of the limited liability company other than the resident agent.~~

~~4.] If a [resident agent dies, resigns or moves from the State,] registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act, the limited-liability company, [within 30 days thereafter,] before the effective date of the resignation or termination, shall file with the Secretary of State a [certificate of acceptance signed by the new resident agent. The certificate must set forth the name, complete street~~

~~address and mailing address, if different from the street address, of the new resident agent.~~

~~5.] statement of change of registered agent pursuant to section 34 of this act.~~

2. Each limited-liability company which fails to ~~file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection 4]~~ *comply with subsection 1* shall be deemed in default and is subject to the provisions of NRS 86.272 and 86.274.

3. *As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.*

Sec. 111. NRS 86.261 is hereby amended to read as follows:

86.261 1. The ~~resident~~ registered agent appointed by a limited-liability company is an agent of the company upon whom any process, notice or demand required or permitted by law to be served upon the company may be served.

2. This section does not limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a limited-liability company in any other manner permitted by law.

Sec. 112. NRS 86.263 is hereby amended to read as follows:

86.263 1. A limited-liability company shall, on or before the last day of the first month after the filing of its articles of organization with the Secretary of State, file with the Secretary of State, on a form furnished by him, a list that contains:

- (a) The name of the limited-liability company;
- (b) The file number of the limited-liability company, if known;
- (c) The names and titles of all of its managers or, if there is no manager, all of its managing members;
- (d) The address, either residence or business, of each manager or managing member listed, following the name of the manager or managing member;
- (e) The ~~name and street address of its lawfully designated resident agent in this State;~~ information required ~~by subsection 1 of~~ pursuant to section 31 of this act; and
- (f) The signature of a manager or managing member of the limited-liability company certifying that the list is true, complete and accurate.

2. The limited-liability company shall annually thereafter, on or before the last day of the month in which the anniversary date of its organization occurs, file with the Secretary of State, on a form furnished by him, an amended list containing all of the information required in subsection 1.

3. Each list required by subsections 1 and 2 must be accompanied by a declaration under penalty of perjury that the limited-liability company:

- (a) Has complied with the provisions of NRS 360.780; and

(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

4. Upon filing:

(a) The initial list required by subsection 1, the limited-liability company shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 2, the limited-liability company shall pay to the Secretary of State a fee of \$125.

5. If a manager or managing member of a limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of \$75 to file the resignation.

6. The Secretary of State shall, 90 days before the last day for filing each list required by subsection 2, cause to be mailed to each limited-liability company which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due under subsection 4 and a reminder to file a list required by subsection 2. Failure of any company to receive a notice or form does not excuse it from the penalty imposed by law.

7. If the list to be filed pursuant to the provisions of subsection 1 or 2 is defective or the fee required by subsection 4 is not paid, the Secretary of State may return the list for correction or payment.

8. An annual list for a limited-liability company not in default received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 113. NRS 86.274 is hereby amended to read as follows:

86.274 1. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each limited-liability company deemed in default pursuant to the provisions of this chapter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

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

3. The Secretary of State shall compile a complete list containing the names of all limited-liability companies whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~resident~~ *registered* agent, each limited-liability company specified in subsection 3 of the forfeiture of its charter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ *registered* agent, may be provided electronically.

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

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

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

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

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

Sec. 114. NRS 86.276 is hereby amended to read as follows:

86.276 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited-liability company which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the company its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.263; ~~and~~

(2) The statement required by NRS 86.264, if applicable; and

~~(3) [A certificate of acceptance of appointment signed by its resident agent].~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.263 and 86.272 for each year or portion thereof during which it failed to file in a timely manner each required annual list;

(2) The fee set forth in NRS 86.264, if applicable; and

(3) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the limited-liability company, he shall issue to the company a certificate of reinstatement if the limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the charter occurred only by reason of failure to pay the fees and penalties.



4. If a company's charter has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the charter must not be reinstated.

Sec. 115. NRS 86.544 is hereby amended to read as follows:

86.544 Before transacting business in this State, a foreign limited-liability company must register with the Secretary of State. In order to register, a foreign limited-liability company must submit to the Secretary of State an application for registration as a foreign limited-liability company, signed by a manager of the company or, if management is not vested in a manager, a member of the company. ~~[and a signed certificate of acceptance of a resident agent.]~~ The application for registration must set forth:

1. The name of the foreign limited-liability company and, if different, the name under which it proposes to register and transact business in this State;

2. The state and date of its formation;

3. ~~The [name and address of the resident agent in this State whom the foreign limited-liability company elects to appoint.]~~ *information required by subsection 1 of* ~~pursuant to section 31 of this act;~~

4. A statement that the Secretary of State is appointed the agent of the foreign limited-liability company for service of process if the authority of the ~~[resident]~~ *registered* agent has been revoked, or if the ~~[resident]~~ *registered* agent has resigned or cannot be found or served with the exercise of reasonable diligence;

5. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited-liability company;

6. The name and business address of each manager or, if management is not vested in a manager, each member;

7. The address of the office at which is kept a list of the names and addresses of the members and their capital contributions, together with an undertaking by the foreign limited-liability company to keep those records until the registration in this State of the foreign limited-liability company is cancelled or withdrawn; and

8. If the foreign limited-liability company has one or more series of members and if the debts or liabilities of a series are enforceable against the assets of that series only and not against the assets of the company generally or another series, a statement to that effect.

Sec. 116. NRS 86.5461 is hereby amended to read as follows:

86.5461 1. Each foreign limited-liability company doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited-liability company with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list on a form furnished by him that contains:

(a) The name of the foreign limited-liability company;

- (b) The file number of the foreign limited-liability company, if known;
- (c) The names and titles of all its managers or, if there is no manager, all its managing members;
- (d) The address, either residence or business, of each manager or managing member listed pursuant to paragraph (c);
- (e) The ~~name and street address of its lawfully designated resident agent in this State;~~ *information required ~~by subsection 1 of~~ pursuant to section 31 of this act;* and
- (f) The signature of a manager or managing member of the foreign limited-liability company certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited-liability company:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

3. Upon filing:

- (a) The initial list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of \$125.
- (b) Each annual list required by this section, the foreign limited-liability company shall pay to the Secretary of State a fee of \$125.

4. If a manager or managing member of a foreign limited-liability company resigns and the resignation is not reflected on the annual or amended list of managers and managing members, the foreign limited-liability company or the resigning manager or managing member shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by this section, cause to be mailed to each foreign limited-liability company which is required to comply with the provisions of NRS 86.5461 to 86.5468, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited-liability company to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 86.5461 to 86.5468, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited-liability company not in default which is received by the Secretary of State more than 90 days before its due date ~~must~~ *shall* be deemed an amended list for the previous year and does not satisfy the requirements of this section for the year to which the due date is applicable.

Sec. 117. NRS 86.5466 is hereby amended to read as follows:

86.5466 1. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each foreign limited-liability company deemed in default pursuant to NRS 86.5465. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of its organization occurs, the Secretary of State shall compile a complete list containing the names of all foreign limited-liability companies whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each foreign limited-liability company specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

Sec. 118. NRS 86.5467 is hereby amended to read as follows:

86.5467 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited-liability company which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited-liability company its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 86.5461; ~~and~~

(2) The statement required by NRS 86.5462, if applicable; and

~~(3) A certificate of acceptance of appointment signed by its resident agent.~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 86.5461 and 86.5465 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 86.5462, if applicable; and

(3) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited-liability company, he shall issue to the foreign limited-liability company a certificate of reinstatement if the foreign limited-liability company:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 86.561.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited-liability company to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right must not be reinstated.

Sec. 119. NRS 86.561 is hereby amended to read as follows:

86.561 1. The Secretary of State shall charge and collect for:

(a) Filing the original articles of organization, or for registration of a foreign company, \$75;

(b) Amending or restating the articles of organization, amending the registration of a foreign company or filing a certificate of correction, \$175;

(c) Filing the articles of dissolution of a domestic or foreign company, \$75;

(d) ~~{Filing a statement of change of address of a records or registered office, or change of the resident agent, \$60;~~

~~{e)}~~ Certifying a copy of articles of organization or an amendment to the articles, \$30;

~~{f)}~~ (e) Certifying an authorized printed copy of this chapter, \$30;

~~{g)}~~ (f) Reserving a name for a limited-liability company, \$25;

~~{h)}~~ (g) Filing a certificate of cancellation, \$75;

~~{i)}~~ (h) Signing, filing or certifying any other record, \$50; and

~~{j)}~~ (i) Copies provided by the Office of the Secretary of State, \$2 per page.

2. The Secretary of State shall charge and collect, at the time of any service of process on him as agent for service of process of a limited-liability company, \$100 which may be recovered as taxable costs by the party to the action causing the service to be made if the party prevails in the action.

3. Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 120. NRS 86.580 is hereby amended to read as follows:

86.580 1. A limited-liability company which did exist or is existing pursuant to the laws of this State may, upon complying with the provisions of NRS 86.276, procure a renewal or revival of its charter for any period, together with all the rights, franchises, privileges and immunities, and subject to all its existing and preexisting debts, duties and liabilities secured or imposed by its original charter and amendments thereto, or existing charter, by filing:

(a) A certificate with the Secretary of State, which must set forth:

(1) The name of the limited-liability company, which must be the name of the limited-liability company at the time of the renewal or revival, or its name at the time its original charter expired.

(2) The ~~{name of the person lawfully designated as the resident agent of the limited liability company, his street address for the service of process, and his mailing address if different from his street address.}~~ information required ~~{by subsection 1 of}~~ pursuant to section 31 of this act.

(3) The date when the renewal or revival of the charter is to commence or be effective, which may be, in cases of a revival, before the date of the certificate.

(4) Whether or not the renewal or revival is to be perpetual, and, if not perpetual, the time for which the renewal or revival is to continue.

(5) That the limited-liability company desiring to renew or revive its charter is, or has been, organized and carrying on the business authorized by its existing or original charter and amendments thereto, and desires to renew or continue through revival its existence pursuant to and subject to the provisions of this chapter.

(b) A list of its managers ~~[ ]~~ or , if there are no managers, all its managing members and their mailing or street addresses, either residence or business.

2. A limited-liability company whose charter has not expired and is being renewed shall cause the certificate to be signed by its manager ~~[ ]~~ or , if there is no manager, by a person designated by its members. The certificate must be approved by a majority in interest.

3. A limited-liability company seeking to revive its original or amended charter shall cause the certificate to be signed by a person or persons designated or appointed by the members. The signing and filing of the certificate must be approved by the written consent of a majority in interest and must contain a recital that this consent was secured. The limited-liability company shall pay to the Secretary of State the fee required to establish a new limited-liability company pursuant to the provisions of this chapter.

4. The filed certificate, or a copy thereof which has been certified under the hand and seal of the Secretary of State, must be received in all courts and places as prima facie evidence of the facts therein stated and of the existence of the limited-liability company therein named.

Sec. 121. NRS 87.008 is hereby amended to read as follows:

87.008 "Street address" of a ~~[resident]~~ *registered* agent means the actual physical location in this State at which a ~~[resident]~~ *registered* agent is available for service of process.

Sec. 122. NRS 87.440 is hereby amended to read as follows:

87.440 1. To become a registered limited-liability partnership, a partnership shall file with the Secretary of State a certificate of registration stating each of the following:

(a) The name of the partnership.

(b) The street address of its principal office.

(c) ~~The [name of the person designated as the partnership's resident agent, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different than his street address.] information required [by subsection 1 of] pursuant to section 31 of this act.~~

(d) The name and business address of each managing partner in this State.

(e) A brief statement of the professional service rendered by the partnership.

(f) That the partnership thereafter will be a registered limited-liability partnership.

(g) Any other information that the partnership wishes to include.

2. The certificate of registration must be signed by a majority in interest of the partners or by one or more partners authorized to sign such a certificate.

3. The certificate of registration must be accompanied by a fee of \$75.

4. The Secretary of State shall register as a registered limited-liability partnership any partnership that submits a completed certificate of registration with the required fee.

5. The registration of a registered limited-liability partnership is effective at the time of the filing of the certificate of registration.

Sec. 123. NRS 87.480 is hereby amended to read as follows:

87.480 ~~{1. Except during the period described in subsection 3, a}~~ A registered limited-liability partnership must have a ~~{resident}~~ *registered* agent who resides or is located in this State. A ~~{resident}~~ *registered* agent must have a street address for the service of process that is the principal office of the registered limited-liability company in this State, and may have a separate mailing address that is different from his street address.

~~{2. A resident agent for a registered limited liability partnership shall file a certificate of acceptance with the Secretary of State.~~

~~3. A resident agent shall, within 30 days after changing the location of his office from one address to another address in this State, file a certificate with the Secretary of State that sets forth the names of the registered limited liability partnerships represented by the agent and the new address of his office.~~

Sec. 124. NRS 87.490 is hereby amended to read as follows:

87.490 1. If a registered limited-liability partnership wishes to change the location of its principal office in this State, ~~{or its resident agent,}~~ it shall first file with the Secretary of State a certificate of change of principal office ~~{or resident agent}~~ that sets forth:

- (a) The name of the registered limited-liability partnership;
- (b) The street address of its principal office; *and*
- (c) ~~{If the location of its principal office will be changed, the}~~ *The* street address of its new principal office . ~~{;~~
- ~~(d) The name of its resident agent; and~~
- ~~(e) If its resident agent will be changed, the name of its new resident agent.~~

~~2. A certificate of acceptance signed by the new resident agent must accompany the certificate of change of resident agent.~~

~~3.}~~ 2. A certificate of change of principal office ~~{or resident agent}~~ filed pursuant to this section must be:

- (a) Signed by a managing partner of the registered limited-liability partnership; and
- (b) Accompanied by a fee of \$60.

~~[4.—If the name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment, the resident agent shall:~~

~~(a) File with the Secretary of State a certificate of name change of resident agent that includes:~~

~~(1) The current name of the resident agent as filed with the Secretary of State;~~

~~(2) The new name of the resident agent; and~~

~~(3) The name and file number of each artificial person formed, organized, registered or qualified pursuant to the provisions of this title that the resident agent represents; and~~

~~(b) Pay to the Secretary of State a filing fee of \$100.~~

~~5.] 3. A change authorized by this section becomes effective upon the filing of the proper certificate of change.~~

Sec. 125. NRS 87.500 is hereby amended to read as follows:

87.500 1. ~~[A resident agent who wishes to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the registered limited liability partnership for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➔ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2.—The statement of resignation may contain a statement by the affected registered limited liability partnership appointing a successor resident agent. A certificate of acceptance signed by the new agent, stating the full name, complete street address and, if different from the street address, the mailing address of the new agent, must accompany the statement appointing the new resident agent.~~

~~3.—Upon the filing of the statement with the Secretary of State, the capacity of the person as resident agent terminates. If the statement of resignation contains no statement by the registered limited liability partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by certified mail, to the registered limited liability partnership of the filing of the statement and its effect. The notice must be addressed to a managing partner in this State.~~

~~4.] If a [resident agent dies, resigns or removes himself from the State,] registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act, the registered limited-liability partnership shall, [within 30 days thereafter,] before the effective date of the resignation or termination, file with the Secretary of State a [certificate of acceptance, signed by the new resident agent. The certificate must set forth the full name,~~

~~complete street address and, if different from the street address, the mailing address of the newly designated resident agent.~~

~~5.] statement of change of registered agent pursuant to section 34 of this act.~~

2. If a registered limited-liability partnership fails to ~~file a certificate of acceptance within the period required by subsection 4,]~~ *comply with subsection 1*, it is in default and is subject to the provisions of NRS 87.520.

3. *As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.*

Sec. 126. NRS 87.510 is hereby amended to read as follows:

87.510 1. A registered limited-liability partnership shall, on or before the last day of the first month after the filing of its certificate of registration with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of registration with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

- (a) The name of the registered limited-liability partnership;
- (b) The file number of the registered limited-liability partnership, if known;
- (c) The names of all of its managing partners;
- (d) The address, either residence or business, of each managing partner;
- (e) The ~~{name and street address of its lawfully designated resident agent in this State;}~~ *information required ~~by subsection 1 of~~ pursuant to section 31 of this act;* and

(f) The signature of a managing partner of the registered limited-liability partnership certifying that the list is true, complete and accurate.

↪ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the registered limited-liability partnership has complied with the provisions of NRS 360.780 ~~{and which acknowledges}~~, *an acknowledgment* that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

(a) The initial list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, the registered limited-liability partnership shall pay to the Secretary of State a fee of \$125.

3. If a managing partner of a registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the registered limited-liability partnership or the resigning managing partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

4. The Secretary of State shall, at least 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to the registered limited-liability partnership a notice of the fee due pursuant to



subsection 2 and a reminder to file the annual list required by subsection 1. The failure of any registered limited-liability partnership to receive a notice or form does not excuse it from complying with the provisions of this section.

5. If the list to be filed pursuant to the provisions of subsection 1 is defective, or the fee required by subsection 2 is not paid, the Secretary of State may return the list for correction or payment.

6. An annual list that is filed by a registered limited-liability partnership which is not in default more than 90 days before it is due shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 127. NRS 87.520 is hereby amended to read as follows:

87.520 1. A registered limited-liability partnership that fails to comply with the provisions of NRS 87.510 is in default.

2. Upon notification from the Administrator of the Real Estate Division of the Department of Business and Industry that a registered limited-liability partnership which is a unit-owners' association as defined in NRS 116.011 has failed to register pursuant to NRS 116.31158 or failed to pay the fees pursuant to NRS 116.31155, the Secretary of State shall deem the registered limited-liability partnership to be in default. If, after the registered limited-liability partnership is deemed to be in default, the Administrator notifies the Secretary of State that the registered limited-liability partnership has registered pursuant to NRS 116.31158 and paid the fees pursuant to NRS 116.31155, the Secretary of State shall reinstate the registered limited-liability partnership if the registered limited-liability partnership complies with the requirements for reinstatement as provided in this section and NRS 87.530.

3. Any registered limited-liability partnership that is in default pursuant to this section must, in addition to the fee required to be paid pursuant to NRS 87.510, pay a penalty of \$75.

4. The Secretary of State shall provide written notice to the ~~resident~~ *registered* agent of any registered limited-liability partnership that is in default. The written notice:

(a) Must include the amount of any payment that is due from the registered limited-liability partnership.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

5. If a registered limited-liability partnership fails to pay the amount that is due, the certificate of registration of the registered limited-liability partnership shall be deemed revoked immediately after the last day of the month in which the anniversary date of the filing of the certificate of registration occurs, and the Secretary of State shall notify the registered limited-liability partnership, by providing written notice to its ~~resident~~ *registered* agent or, if the registered limited-liability partnership does not

have a ~~[resident]~~ *registered* agent, to a managing partner, that its certificate of registration is revoked. The written notice:

(a) Must include the amount of any fees and penalties incurred that are due.

(b) At the request of the ~~[resident]~~ *registered* agent or managing partner, may be provided electronically.

Sec. 128. NRS 87.530 is hereby amended to read as follows:

87.530 1. Except as otherwise provided in subsection 3, the Secretary of State shall reinstate the certificate of registration of a registered limited-liability partnership that is revoked pursuant to NRS 87.520 if the registered limited-liability partnership:

(a) Files with the Secretary of State:

(1) ~~The ~~file~~~~ information required by NRS 87.510; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent.]~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The fee required to be paid pursuant to NRS 87.510;

(2) Any penalty required to be paid pursuant to NRS 87.520; and

(3) A reinstatement fee of \$300.

2. When the Secretary of State reinstates the registered limited-liability partnership, he shall issue to the registered limited-liability partnership a certificate of reinstatement if the registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not reinstate the certificate of registration of a registered limited-liability partnership if the certificate was revoked pursuant to the provisions of this chapter at least 5 years before the date of the proposed reinstatement.

Sec. 129. NRS 87.541 is hereby amended to read as follows:

87.541 1. Each foreign registered limited-liability partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign registered limited-liability partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

(a) The name of the foreign registered limited-liability partnership;

(b) The file number of the foreign registered limited-liability partnership, if known;

(c) The names of all its managing partners;

(d) The address, either residence or business, of each managing partner;

(e) ~~The [name and street address of its lawfully designated resident agent in this State.]~~ information required ~~by subsection 1 of~~ pursuant to section 31 of this act; and

(f) The signature of a managing partner of the foreign registered limited-liability partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign registered limited-liability partnership:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

(a) The initial list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by this section, the foreign registered limited-liability partnership shall pay to the Secretary of State a fee of \$125.

4. If a managing partner of a foreign registered limited-liability partnership resigns and the resignation is not reflected on the annual or amended list of managing partners, the foreign registered limited-liability partnership or the managing partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign registered limited-liability partnership which is required to comply with the provisions of NRS 87.541 to 87.544, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign registered limited-liability partnership to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 87.541 to 87.544, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign registered limited-liability partnership not in default which is received by the Secretary of State more than 90 days before its due date ~~must~~ shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 130. NRS 87.543 is hereby amended to read as follows:

87.543 1. The Secretary of State shall notify, by providing written notice to its ~~resident~~ registered agent, each foreign registered limited-liability partnership deemed in default pursuant to NRS 87.5425. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ registered agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of its registration occurs, the Secretary of State shall compile a complete list containing the names of all foreign registered limited-liability partnerships whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each foreign registered limited-liability partnership specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

Sec. 131. NRS 87.5435 is hereby amended to read as follows:

87.5435 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign registered limited-liability partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign registered limited-liability partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State ~~[-~~

~~(1) The~~ the list required by NRS 87.541; and

~~{(2) A certificate of acceptance of appointment signed by its resident agent; and}~~

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 87.541 and 87.5425 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the foreign registered limited-liability partnership, he shall issue to the foreign registered limited-liability partnership a certificate of reinstatement if the foreign registered limited-liability partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 87.550.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign registered limited-liability partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 132. NRS 88.315 is hereby amended to read as follows:

88.315 As used in this chapter, unless the context otherwise requires:

1. "Certificate of limited partnership" means the certificate referred to in NRS 88.350, and the certificate as amended or restated.

2. "Contribution" means any cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a partner contributes to a limited partnership in his capacity as a partner.

3. "Event of withdrawal of a general partner" means an event that causes a person to cease to be a general partner as provided in NRS 88.450.

4. "Foreign limited partnership" means a partnership formed under the laws of any state other than this State and having as partners one or more general partners and one or more limited partners.

5. "Foreign registered limited-liability limited partnership" means a foreign limited-liability limited partnership:

(a) Formed pursuant to an agreement governed by the laws of another state; and

(b) Registered pursuant to and complying with NRS 88.570 to 88.605, inclusive, and 88.609.

6. "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

7. "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

8. "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this State and having one or more general partners and one or more limited partners.

9. "Partner" means a limited or general partner.

10. "Partnership agreement" means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

11. "Partnership interest" means a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

12. "Record" means information that is inscribed on tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

13. "Registered limited-liability limited partnership" means a limited partnership:

(a) Formed pursuant to an agreement governed by this chapter; and

(b) Registered pursuant to and complying with NRS 88.350 to 88.415, inclusive, 88.606, 88.6065 and 88.607.

14. *"Registered agent" has the meaning ascribed to it in section 24 of this act.*

15. "Registered office" means the office maintained at the street address of the ~~resident agent~~.

~~15. "Resident agent" means the agent appointed by the limited partnership upon whom process or a notice or demand authorized by law to be served upon the limited partnership may be served.]~~ *registered agent.*

16. "Sign" means to affix a signature to a record.

17. "Signature" means a name, word, symbol or mark executed or otherwise adopted, or a record encrypted or similarly processed in whole or in part, by a person with the present intent to identify himself and adopt or accept a record. The term includes, without limitation, an electronic signature as defined in NRS 719.100.

18. "State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

19. "Street address" of a ~~[resident]~~ *registered agent* means the actual physical location in this State at which a ~~[resident]~~ *registered agent* is available for service of process.

Sec. 133. NRS 88.330 is hereby amended to read as follows:

88.330 1. Each limited partnership shall continuously maintain in this State:

(a) An office, which may but need not be a place of its business in this State, at which must be kept the records required by NRS 88.335 to be maintained; and

(b) A ~~[resident]~~ *registered agent.*

2. ~~[Every resident agent shall file a certificate in the Office of the Secretary of State, setting forth his street address where process may be served upon the limited partnership and his mailing address if different from the street address.]~~

3. ~~Within 30 days after changing the location of his office from one address to another in this State, a resident agent shall file a certificate with the Secretary of State setting forth the names of the limited partnerships represented by the agent, the address at which he has maintained the office for each of the limited partnerships, and the new address to which the office is transferred.]~~

4. ~~Within 30 days after changing the location of the office which contains records for a limited partnership, a general partner of the limited partnership shall file a certificate of a change in address with the Secretary of State which sets forth the name of the limited partnership, the previous address of the office which contains records and the new address of the office which contains records.]~~

Sec. 134. NRS 88.332 is hereby amended to read as follows:

88.332 1. ~~[A resident agent who desires to resign shall:]~~

(a) ~~File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the limited partnership for the service of process; and~~

(b) ~~Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➔ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement by the affected limited partnership appointing a successor resident agent for the limited partnership. A certificate of acceptance signed by the new agent, stating the full name, complete street address and, if different from the street address, mailing address of the new agent, must accompany the statement appointing the new agent.~~

~~3. Upon the filing of the statement with the Secretary of State, the capacity of the person as resident agent terminates. If the statement of resignation does not contain a statement by the limited partnership appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the limited partnership of the filing of the statement and the effect thereof. The notice must be addressed to a general partner of the partnership other than the resident agent.~~

~~4.] If a [designated resident agent dies, resigns or removes from the State,] registered agent resigns pursuant to section 37 of this act or if a commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act, the limited partnership, [within 30 days thereafter,] before the effective date of the resignation or termination, shall file with the Secretary of State a [certificate of acceptance, signed by the new resident agent. The certificate must set forth the full name, complete street address and, if different from the street address, mailing address of the newly designated resident agent.~~

~~5.] statement of change of registered agent pursuant to section 34 of this act.~~

2. Each limited partnership which fails to ~~[file a certificate of acceptance signed by the new resident agent within 30 days after the death, resignation or removal of its resident agent as provided in subsection 4]~~ *comply with subsection 1* shall be deemed in default and is subject to the provisions of NRS 88.400 and 88.405.

3. *As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.*

Sec. 135. NRS 88.335 is hereby amended to read as follows:

88.335 1. A limited partnership shall keep at the office referred to in paragraph (a) of subsection 1 of NRS 88.330 the following:

(a) A current list of the full name and last known business address of each partner, separately identifying the general partners in alphabetical order and the limited partners in alphabetical order;

(b) A copy of the certificate of limited partnership and all certificates of amendment thereto, together with signed copies of any powers of attorney pursuant to which any certificate has been signed;

(c) Copies of the limited partnership's federal, state, and local income tax returns and reports, if any, for the 3 most recent years;

(d) Copies of any then effective written partnership agreements;

(e) Copies of any financial statements of the limited partnership for the 3 most recent years; and

(f) Unless contained in a written partnership agreement, a writing setting out:

(1) The amount of cash and a description and statement of the agreed value of the other property or services contributed by each partner and which each partner has agreed to contribute;

(2) The times at which or events on the happening of which any additional contributions agreed to be made by each partner are to be made;

(3) Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution; and

(4) Any events upon the happening of which the limited partnership is to be dissolved and its affairs wound up.

2. In lieu of keeping at an office in this State the information required in paragraphs (a), (c), (e) and (f) of subsection 1, the limited partnership may keep a statement with the ~~resident~~ *registered* agent setting out the name of the custodian of the information required in paragraphs (a), (c), (e) and (f) of subsection 1, and the present and complete post office address, including street and number, if any, where the information required in paragraphs (a), (c), (e) and (f) of subsection 1 is kept.

3. Records kept pursuant to this section are subject to inspection and copying at the reasonable request, and at the expense, of any partner during ordinary business hours.

Sec. 136. NRS 88.350 is hereby amended to read as follows:

88.350 1. In order to form a limited partnership, a certificate of limited partnership must be signed and filed in the Office of the Secretary of State. The certificate must set forth:

(a) The name of the limited partnership;

(b) The ~~address of the office which contains records and the name and address of the resident agent required to be maintained by NRS 88.330;~~ *information required by subsection 1 of* pursuant to section 31 of this act;

(c) The name and business address of each organizer executing the certificate;

(d) The name and business address of each initial general partner;

(e) The latest date upon which the limited partnership is to dissolve; and

(f) Any other matters the organizers determine to include therein.

2. ~~A certificate of acceptance of appointment of a resident agent, signed by the agent, must be filed with the certificate of limited partnership.~~

~~3.]~~ A limited partnership is formed at the time of the filing of the certificate of limited partnership ~~and the certificate of acceptance~~ in the Office of the Secretary of State or at any later time specified in the certificate of limited partnership if ~~in either case,~~ there has been substantial compliance with the requirements of this section.

Sec. 137. NRS 88.355 is hereby amended to read as follows:



88.355 1. A certificate of limited partnership is amended by filing a certificate of amendment thereto in the Office of the Secretary of State. The certificate must set forth:

- (a) The name of the limited partnership; and
- (b) The amendment.

2. Within 30 days after the happening of any of the following events, an amendment to a certificate of limited partnership reflecting the occurrence of the event or events must be filed:

- (a) The admission of a new general partner;
- (b) The withdrawal of a general partner; or
- (c) The continuation of the business under NRS 88.550 after an event of withdrawal of a general partner.

3. A general partner who becomes aware that any statement in a certificate of limited partnership was false when made or that any arrangements or other facts described, except the address of its office or the name or address of its ~~resident~~ registered agent, have changed, making the certificate inaccurate in any respect, shall promptly amend the certificate.

4. A certificate of limited partnership may be amended at any time for any other proper purpose the general partners determine.

5. No person has any liability because an amendment to a certificate of limited partnership has not been filed to reflect the occurrence of any event referred to in subsection 2 if the amendment is filed within the 30-day period specified in subsection 2.

6. A certificate of amendment filed pursuant to this section is effective upon filing the certificate with the Secretary of State or upon a later date specified in the certificate, which must not be more than 90 days after the certificate is filed.

7. A restated certificate of limited partnership may be signed and filed in the same manner as a certificate of amendment. If the certificate alters or amends the certificate of limited partnership in any manner, it must be accompanied by a form prescribed by the Secretary of State setting forth which provisions of the certificate of limited partnership on file with the Secretary of State are being altered or amended.

Sec. 138. NRS 88.395 is hereby amended to read as follows:

88.395 1. A limited partnership shall, on or before the last day of the first month after the filing of its certificate of limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of limited partnership occurs, file with the Secretary of State, on a form furnished by him, a list that contains:

- (a) The name of the limited partnership;
- (b) The file number of the limited partnership, if known;
- (c) The names of all of its general partners;
- (d) The address, either residence or business, of each general partner;

(e) The ~~[name and street address of its lawfully designated resident agent in this State;]~~ *information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act;* and

(f) The signature of a general partner of the limited partnership certifying that the list is true, complete and accurate.

↪ Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the limited partnership has complied with the provisions of NRS 360.780 and which acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Except as otherwise provided in subsection 3, a limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of \$125.

3. A registered limited-liability limited partnership shall, upon filing:

(a) The initial list required by subsection 1, pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, pay to the Secretary of State a fee of \$175.

4. If a general partner of a limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each limited partnership which is required to comply with the provisions of this section, and which has not become delinquent, a notice of the fee due pursuant to the provisions of subsection 2 or 3, as appropriate, and a reminder to file the annual list. Failure of any limited partnership to receive a notice or form does not excuse it from the penalty imposed by NRS 88.400.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 2 or 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a limited partnership not in default that is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

8. A filing made pursuant to this section does not satisfy the provisions of NRS 88.355 and may not be substituted for filings submitted pursuant to NRS 88.355.

Sec. 139. NRS 88.405 is hereby amended to read as follows:

88.405 1. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each defaulting limited partnership. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

2. Immediately after the first day of the first anniversary of the month following the month in which filing was required, the certificate of the limited partnership is revoked.

3. The Secretary of State shall compile a complete list containing the names of all limited partnerships whose right to transact business has been forfeited.

4. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each limited partnership specified in subsection 3 of the revocation of its certificate. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

5. In case of revocation of the certificate and of the forfeiture of the right to transact business thereunder, all the property and assets of the defaulting domestic limited partnership are held in trust by the general partners, and the same proceedings may be had with respect thereto as for the judicial dissolution of a limited partnership. Any person interested may institute proceedings at any time after a forfeiture has been declared, but, if the Secretary of State reinstates the limited partnership, the proceedings must at once be dismissed and all property restored to the general partners.

Sec. 140. NRS 88.410 is hereby amended to read as follows:

88.410 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any limited partnership which has forfeited or which forfeits its right to transact business under the provisions of this chapter and restore to the limited partnership its right to carry on business in this State, and to exercise its privileges and immunities if it:

(a) Files with the Secretary of State:

(1) The list required pursuant to NRS 88.395; ~~and~~

(2) The statement required by NRS 88.397, if applicable; and

(3) ~~A certificate of acceptance of appointment signed by its resident agent;~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.395 and 88.400 for each year or portion thereof during which the certificate has been revoked;

(2) The fee set forth in NRS 88.397, if applicable; and

(3) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the limited partnership, he shall issue to the limited partnership a certificate of reinstatement if the limited partnership:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation occurred only by reason of failure to pay the fees and penalties.

4. If a limited partnership's certificate has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 years, the certificate must not be reinstated.

Sec. 141. NRS 88.415 is hereby amended to read as follows:

88.415 The Secretary of State, for services relating to his official duties and the records of his office, shall charge and collect the following fees:

1. For filing a certificate of limited partnership, or for registering a foreign limited partnership, \$75.

2. For filing a certificate of registration of limited-liability limited partnership, or for registering a foreign registered limited-liability limited partnership, \$100.

3. For filing a certificate of amendment of limited partnership or restated certificate of limited partnership, \$175.

4. ~~{For filing a certificate of a change of location of the records office of a limited partnership or the office of its resident agent, or a designation of a new resident agent, \$60.~~

~~5.}~~ For certifying a copy of a certificate of limited partnership, an amendment to the certificate, or a certificate as amended, \$30 per certification.

~~{6.}~~ 5. For certifying an authorized printed copy of the limited partnership law, \$30.

~~{7.}~~ 6. For reserving a limited partnership name, or for signing, filing or certifying any other record, \$25.

~~{8.}~~ 7. For copies provided by the Office of the Secretary of State, \$2 per page.

~~{9.}~~ 8. For filing a certificate of cancellation of a limited partnership, \$75.

➤ Except as otherwise provided in this section, the fees set forth in NRS 78.785 apply to this chapter.

Sec. 142. NRS 88.575 is hereby amended to read as follows:

88.575 Before transacting business in this State, a foreign limited partnership shall register with the Secretary of State. In order to register, a foreign limited partnership shall submit to the Secretary of State an application for registration as a foreign limited partnership, signed by a general partner. ~~{, and a signed certificate of acceptance of a resident agent.}~~ The application for registration must set forth:

1. The name of the foreign limited partnership and, if different, the name under which it proposes to register and transact business in this State;
2. The state and date of its formation;
3. The ~~{name and address of the resident agent whom the foreign limited partnership elects to appoint;}~~ *information required ~~{by subsection 1 of}~~ pursuant to section 31 of this act;*
4. A statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process if the ~~{resident}~~ *registered* agent's authority has been revoked or if the ~~{resident}~~ *registered* agent cannot be found or served with the exercise of reasonable diligence;
5. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership;
6. The name and business address of each general partner; and
7. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this State is cancelled or withdrawn.

Sec. 143. NRS 88.591 is hereby amended to read as follows:

88.591 1. Each foreign limited partnership doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign limited partnership with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

- (a) The name of the foreign limited partnership;
- (b) The file number of the foreign limited partnership, if known;
- (c) The names of all its general partners;
- (d) The address, either residence or business, of each general partner;
- (e) The ~~{name and street address of its lawfully designated resident agent in this State;}~~ *information required ~~{by subsection 1 of}~~ pursuant to section 31 of this act;* and
- (f) The signature of a general partner of the foreign limited partnership certifying that the list is true, complete and accurate.

2. Each list filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign limited partnership:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

- (a) The initial list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by this section, the foreign limited partnership shall pay to the Secretary of State a fee of \$125.

4. If a general partner of a foreign limited partnership resigns and the resignation is not reflected on the annual or amended list of general partners, the foreign limited partnership or the resigning general partner shall pay to the Secretary of State a fee of \$75 to file the resignation of the general partner.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign limited partnership, which is required to comply with the provisions of NRS 88.591 to 88.5945, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign limited partnership to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 88.591 to 88.5945, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign limited partnership not in default which is received by the Secretary of State more than 90 days before its due date ~~[must]~~ shall be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 144. NRS 88.5935 is hereby amended to read as follows:

88.5935 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ *registered* agent, each foreign limited partnership deemed in default pursuant to NRS 88.593. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ *registered* agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of the filing of the certificate of limited partnership occurs, the Secretary of State shall compile a complete list containing the names of all foreign limited partnerships whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ *registered* agent, each foreign limited partnership specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ *registered* agent, may be provided electronically.

Sec. 145. NRS 88.594 is hereby amended to read as follows:

88.594 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign limited partnership which has

forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign limited partnership its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) The list required by NRS 88.591; ~~and~~

(2) The statement required by NRS 88.5915, if applicable; and

~~(3) [A certificate of acceptance of appointment signed by its resident agent.]~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88.591 and 88.593 for each year or portion thereof that its right to transact business was forfeited;

(2) The fee set forth in NRS 88.5915, if applicable; and

(3) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the foreign limited partnership, he shall issue to the foreign limited partnership a certificate of reinstatement if the foreign limited partnership:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88.415.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign limited partnership to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right is not subject to reinstatement.

Sec. 146. NRS 88.606 is hereby amended to read as follows:

88.606 1. To become a registered limited-liability limited partnership, a limited partnership shall file with the Secretary of State a certificate of registration stating each of the following:

(a) The name of the limited partnership.

(b) The street address of its principal office.

~~(c) The [name of the person designated as the resident agent of the limited partnership, the street address of the resident agent where process may be served upon the partnership and the mailing address of the resident agent if it is different from his street address.]~~ information required ~~by subsection 1~~ off pursuant to section 31 of this act.

(d) The name and business address of each organizer signing the certificate.

(e) The name and business address of each initial general partner.

(f) That the limited partnership thereafter will be a registered limited-liability limited partnership.

(g) Any other information that the limited partnership wishes to include.

2. The certificate of registration must be signed by the vote necessary to amend the partnership agreement or, in the case of a partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions.

3. The Secretary of State shall register as a registered limited-liability limited partnership any limited partnership that submits a completed certificate of registration with the required fee.

4. The registration of a registered limited-liability limited partnership is effective at the time of the filing of the certificate of registration.

Sec. 147. Chapter 88A of NRS is hereby amended by adding thereto a new section to read as follows:

*"Registered agent" has the meaning ascribed to it in section 24 of this act.*

Sec. 148. NRS 88A.010 is hereby amended to read as follows:

88A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 88A.020 to 88A.110, inclusive, *and section 147 of this act* have the meanings ascribed to them in those sections.

Sec. 149. NRS 88A.060 is hereby amended to read as follows:

88A.060 "Registered office" means the office of a business trust maintained at the street address of its ~~[resident]~~ *registered agent*.

Sec. 150. NRS 88A.100 is hereby amended to read as follows:

88A.100 "Street address" of a ~~[resident]~~ *registered agent* means the actual physical location in this State at which a ~~[resident]~~ *registered agent* is available for service of process.

Sec. 151. NRS 88A.210 is hereby amended to read as follows:

88A.210 1. One or more persons may create a business trust by adopting a governing instrument and signing and filing with the Secretary of State a certificate of trust . ~~[and a certificate of acceptance of appointment signed by the resident agent of the business trust.]~~ The certificate of trust must set forth:

- (a) The name of the business trust;
- (b) The name and address, either residence or business, of at least one trustee;
- (c) The ~~[name of the person designated as the resident agent for the business trust, the street address of the resident agent where process may be served upon the business trust and the mailing address of the resident agent if different from the street address;]~~ *information required [by subsection 1 of]* pursuant to section 31 of this act;
- (d) The name and address, either residence or business, of each person signing the certificate of trust; and
- (e) Any other information the trustees determine to include.

2. Upon the filing of the certificate of trust ~~[and the certificate of acceptance]~~ with the Secretary of State and the payment to him of the required filing fee, the Secretary of State shall issue to the business trust a certificate that the required records with the required content have been filed.



From the date of that filing, the business trust is legally formed pursuant to this chapter.

Sec. 152. NRS 88A.500 is hereby amended to read as follows:

88A.500 1. ~~[Except during any period of vacancy described in NRS 88A.530, a]~~ A business trust shall have a ~~[resident]~~ *registered* agent who resides or is located in this State. A ~~[resident]~~ *registered* agent shall have a street address for the service of process and may have a mailing address such as a post office box, which may be different from the street address.

2. A business trust formed pursuant to this chapter that fails or refuses to comply with the requirements of this section is subject to a fine of not less than \$100 nor more than \$500, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

Sec. 153. NRS 88A.520 is hereby amended to read as follows:

88A.520 1. If the ~~[resident]~~ *registered* agent is a bank or an artificial person formed or organized pursuant to this title, it may:

(a) Act as the fiscal or transfer agent of a state, municipality, body politic or business trust, and in that capacity may receive and disburse money.

(b) Transfer, register and countersign certificates evidencing a beneficial owner's interest in a business trust, bonds or other evidences of indebtedness and act as agent of any business trust, foreign or domestic, for any purpose required by statute or otherwise.

2. All legal process and any demand or notice authorized by law to be served upon a business trust may be served upon its ~~[resident]~~ *registered* agent in the manner provided in subsection 2 of NRS 14.020. If a demand, notice or legal process, other than a summons and complaint, cannot be served upon the ~~[resident]~~ *registered* agent, it may be served in the manner provided in NRS 14.030. These manners of service are in addition to any other service authorized by law.

Sec. 154. NRS 88A.530 is hereby amended to read as follows:

88A.530 1. ~~[A resident agent who desires to resign shall:~~

~~(a) File with the Secretary of State a signed statement in the manner provided pursuant to subsection 1 of NRS 78.097 that he is unwilling to continue to act as the resident agent of the business trust for the service of process; and~~

~~(b) Pay to the Secretary of State the filing fee set forth in subsection 1 of NRS 78.097.~~

~~➔ A resignation is not effective until the signed statement is filed with the Secretary of State.~~

~~2. The statement of resignation may contain a statement of the affected business trust appointing a successor resident agent. A certificate of acceptance signed by the new resident agent, stating the full name, complete street address and, if different from the street address, mailing address of the~~

~~new resident agent, must accompany the statement appointing a successor resident agent.~~

~~3. Upon the filing of the statement of resignation with the Secretary of State, the capacity of the resigning person as resident agent terminates. If the statement of resignation contains no statement by the business trust appointing a successor resident agent, the resigning agent shall immediately give written notice, by mail, to the business trust of the filing of the statement of resignation and its effect. The notice must be addressed to a trustee of the business trust other than the resident agent.~~

~~4.] If its [resident agent dies, resigns or removes from the State,] registered agent resigns pursuant to section 37 of this act or if its commercial registered agent terminates its listing as a commercial registered agent pursuant to section 33 of this act, a business trust, [within 30 days thereafter,] before the effective date of the resignation or termination, shall file with the Secretary of State a [certificate of acceptance signed by a new resident agent. The certificate must set forth the full name and complete street address of the new resident agent, and may contain a mailing address, such as a post office box, different from the street address.~~

~~5.] statement of change of registered agent pursuant to section 34 of this act.~~

~~2. A business trust that fails to [file a certificate of acceptance signed by its new resident agent within 30 days after the death, resignation or removal of its former resident agent] comply with subsection 1 shall be deemed in default and is subject to the provisions of NRS 88A.630 to 88A.660, inclusive.~~

~~3. As used in this section, "commercial registered agent" has the meaning ascribed to it in section 5 of this act.~~

Sec. 155. NRS 88A.600 is hereby amended to read as follows:

88A.600 1. A business trust formed pursuant to this chapter shall, on or before the last day of the first month after the filing of its certificate of trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of the filing of its certificate of trust with the Secretary of State occurs, file with the Secretary of State, on a form furnished by him, a list signed by at least one trustee that contains the name and street address of ~~[its lawfully designated resident agent in this State and] at least one trustee [.] and the information required [by subsection 1 of]~~ pursuant to section 31 of this act. Each list filed pursuant to this subsection must be accompanied by a declaration under penalty of perjury that the business trust:

(a) Has complied with the provisions of NRS 360.780; and  
(b) Acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

2. Upon filing:

(a) The initial list required by subsection 1, the business trust shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, the business trust shall pay to the Secretary of State a fee of \$125.

3. If a trustee of a business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the business trust or the resigning trustee shall pay to the Secretary of State a fee of \$75 to file the resignation.

4. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each business trust which is required to comply with the provisions of NRS 88A.600 to 88A.660, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of a business trust to receive the forms does not excuse it from the penalty imposed by law.

5. An annual list for a business trust not in default which is received by the Secretary of State more than 90 days before its due date shall be deemed an amended list for the previous year.

Sec. 156. NRS 88A.640 is hereby amended to read as follows:

88A.640 1. The Secretary of State shall notify, by providing written notice to its ~~resident~~ *registered* agent, each business trust deemed in default pursuant to the provisions of this chapter. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

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

3. The Secretary of State shall compile a complete list containing the names of all business trusts whose right to transact business has been forfeited.

4. The Secretary of State shall forthwith notify, by providing written notice to its ~~resident~~ *registered* agent, each business trust specified in subsection 3 of the revocation of its certificate of trust. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~resident~~ *registered* agent, may be provided electronically.

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

Sec. 157. NRS 88A.650 is hereby amended to read as follows:

88A.650 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a business trust which has forfeited or which forfeits its right to transact business pursuant to the provisions of this chapter and shall restore to the business trust its right to carry on business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) ~~The ~~the~~~~ list required by NRS 88A.600; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent.]~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.600 and 88A.630 for each year or portion thereof during which its certificate of trust was revoked; and

(2) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the business trust, he shall issue to the business trust a certificate of reinstatement if the business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the certificate of trust occurred only by reason of the failure to file the list or pay the fees and penalties.

4. If a certificate of business trust has been revoked pursuant to the provisions of this chapter and has remained revoked for a period of 5 consecutive years, the certificate must not be reinstated.

Sec. 158. NRS 88A.710 is hereby amended to read as follows:

88A.710 Before transacting business in this State, a foreign business trust shall register with the Secretary of State. In order to register, a foreign business trust shall submit to the Secretary of State an application for registration as a foreign business trust, signed by a trustee. ~~[, and a signed certificate of acceptance of a resident agent.]~~ The application for registration must set forth:

1. The name of the foreign business trust and, if different, the name under which it proposes to register and transact business in this State;

2. The state and date of its formation;

3. ~~The [name and address of the resident agent whom the foreign business trust elects to appoint.]~~ information required [by subsection 1 of] pursuant to section 31 of this act;

4. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign business trust; and

5. The name and address, either residence or business, of one trustee.

Sec. 159. NRS 88A.732 is hereby amended to read as follows:

88A.732 1. Each foreign business trust doing business in this State shall, on or before the last day of the first month after the filing of its application for registration as a foreign business trust with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by him, that contains:

- (a) The name of the foreign business trust;
- (b) The file number of the foreign business trust, if known;
- (c) The name of at least one of its trustees;
- (d) The address, either residence or business, of the trustee listed pursuant to paragraph (c);
- (e) The ~~name and street address of its lawfully designated resident agent in this State;~~ *information required ~~by subsection 1 of~~ pursuant to section 31 of this act;* and
- (f) The signature of a trustee of the foreign business trust certifying that the list is true, complete and accurate.

2. Each list required to be filed pursuant to this section must be accompanied by a declaration under penalty of perjury that the foreign business trust:

- (a) Has complied with the provisions of NRS 360.780; and
- (b) Acknowledges that pursuant to NRS 239.330 it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

3. Upon filing:

- (a) The initial list required by this section, the foreign business trust shall pay to the Secretary of State a fee of \$125.
- (b) Each annual list required by this section, the foreign business trust shall pay to the Secretary of State a fee of \$125.

4. If a trustee of a foreign business trust resigns and the resignation is not reflected on the annual or amended list of trustees, the foreign business trust or the resigning trustee shall pay to the Secretary of State a fee of \$75 to file the resignation.

5. The Secretary of State shall, 90 days before the last day for filing each annual list required by subsection 1, cause to be mailed to each foreign business trust which is required to comply with the provisions of NRS 88A.732 to 88A.738, inclusive, and which has not become delinquent, the blank forms to be completed and filed with him. Failure of any foreign business trust to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 88A.732 to 88A.738, inclusive.

6. If the list to be filed pursuant to the provisions of subsection 1 is defective or the fee required by subsection 3 is not paid, the Secretary of State may return the list for correction or payment.

7. An annual list for a foreign business trust not in default which is received by the Secretary of State more than 90 days before its due date

~~[must]~~ *shall* be deemed an amended list for the previous year and does not satisfy the requirements of subsection 1 for the year to which the due date is applicable.

Sec. 160. NRS 88A.736 is hereby amended to read as follows:

88A.736 1. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ *registered* agent, each foreign business trust deemed in default pursuant to NRS 88A.735. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ *registered* agent, may be provided electronically.

2. Immediately after the last day of the month in which the anniversary date of the filing of the certificate of trust occurs, the Secretary of State shall compile a complete list containing the names of all foreign business trusts whose right to transact business has been forfeited.

3. The Secretary of State shall notify, by providing written notice to its ~~[resident]~~ *registered* agent, each foreign business trust specified in subsection 2 of the forfeiture of its right to transact business. The written notice:

(a) Must include a statement indicating the amount of the filing fee, penalties incurred and costs remaining unpaid.

(b) At the request of the ~~[resident]~~ *registered* agent, may be provided electronically.

Sec. 161. NRS 88A.737 is hereby amended to read as follows:

88A.737 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate a foreign business trust which has forfeited or which forfeits its right to transact business under the provisions of this chapter and shall restore to the foreign business trust its right to transact business in this State, and to exercise its privileges and immunities, if it:

(a) Files with the Secretary of State:

(1) ~~The ~~the~~~~ list required by NRS 88A.732; and

(2) ~~[A certificate of acceptance of appointment signed by its resident agent.]~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 88A.732 and 88A.735 for each year or portion thereof that its right to transact business was forfeited; and

(2) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the foreign business trust, he shall issue to the foreign business trust a certificate of reinstatement if the foreign business trust:

(a) Requests a certificate of reinstatement; and

(b) Pays the required fees pursuant to NRS 88A.900.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid and the revocation of the right

to transact business occurred only by reason of failure to pay the fees and penalties.

4. If the right of a foreign business trust to transact business in this State has been forfeited pursuant to the provisions of this chapter and has remained forfeited for a period of 5 consecutive years, the right to transact business must not be reinstated.

Sec. 162. NRS 88A.900 is hereby amended to read as follows:

88A.900 The Secretary of State shall charge and collect the following fees for:

1. Filing an original certificate of trust, or for registering a foreign business trust, \$75.

2. Filing an amendment or restatement, or a combination thereof, to a certificate of trust, \$175.

3. Filing a certificate of cancellation, \$75.

4. Certifying a copy of a certificate of trust or an amendment or restatement, or a combination thereof, \$30 per certification.

5. Certifying an authorized printed copy of this chapter, \$30.

6. Reserving a name for a business trust, \$25.

7. Signing a certificate of existence of a business trust which does not list the previous records relating to it, or a certificate of change in the name of a business trust, \$50.

8. Signing a certificate of existence of a business trust which lists the previous records relating to it, \$50.

9. ~~Filing a statement of change of the resident agent, \$60.~~

~~10.]~~ Signing, certifying or filing any certificate or record not otherwise provided for in this section, \$50.

~~11.]~~ 10. Examining and provisionally approving a record before the record is presented for filing, \$125.

~~12.]~~ 11. Copying a record on file with him, for each page, \$2.

Sec. 163. NRS 89.256 is hereby amended to read as follows:

89.256 1. Except as otherwise provided in subsections 3 and 4, the Secretary of State shall reinstate any professional association which has forfeited its right to transact business under the provisions of this chapter and restore the right to carry on business in this State and exercise its privileges and immunities if it:

(a) Files with the Secretary of State :

(1) ~~The~~ ~~the~~ list and certification required by NRS 89.250; and

(2) ~~A certificate of acceptance of appointment signed by its resident agent.~~ The information required pursuant to section 31 of this act; and

(b) Pays to the Secretary of State:

(1) The filing fee and penalty set forth in NRS 89.250 and 89.252 for each year or portion thereof during which the articles of association have been revoked; and

(2) A fee of \$300 for reinstatement.

2. When the Secretary of State reinstates the professional association, he shall issue to the professional association a certificate of reinstatement if the professional association:

- (a) Requests a certificate of reinstatement; and
- (b) Pays the required fees pursuant to subsection ~~[8]~~ 7 of NRS 78.785.

3. The Secretary of State shall not order a reinstatement unless all delinquent fees and penalties have been paid, and the revocation of the articles of association occurred only by reason of the failure to pay the fees and penalties.

4. If the articles of association of a professional association have been revoked pursuant to the provisions of this chapter and have remained revoked for 10 consecutive years, the articles must not be reinstated.

Sec. 164. Chapter 92A of NRS is hereby amended by adding thereto a new section to read as follows:

*"Principal office" has the meaning ascribed to it in NRS 78.010.*

Sec. 165. NRS 92A.005 is hereby amended to read as follows:

92A.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 92A.007 to 92A.097, inclusive, *and section 164 of this act* have the meanings ascribed to them in those sections.

Sec. 166. NRS 92A.205 is hereby amended to read as follows:

92A.205 1. After a plan of conversion is approved as required by this chapter, if the resulting entity is a domestic entity, the constituent entity shall deliver to the Secretary of State for filing:

(a) Articles of conversion setting forth:

(1) The name and jurisdiction of organization of the constituent entity and the resulting entity; and

(2) That a plan of conversion has been adopted by the constituent entity in compliance with the law of the jurisdiction governing the constituent entity.

(b) The charter document of the domestic resulting entity required by the applicable provisions of chapter 78, 78A, 82, 86, 88, 88A or 89 of NRS.

~~(c) [A certificate of acceptance of appointment of a resident agent for the resulting entity which is signed by the resident agent.]~~ The information required pursuant to section 31 of this act.

2. After a plan of conversion is approved as required by this chapter, if the resulting entity is a foreign entity, the constituent entity shall deliver to the Secretary of State for filing articles of conversion setting forth:

(a) The name and jurisdiction of organization of the constituent entity and the resulting entity;

(b) That a plan of conversion has been adopted by the constituent entity in compliance with the laws of this State; and

(c) The address of the resulting entity where copies of process may be sent by the Secretary of State.

3. If the entire plan of conversion is not set forth in the articles of conversion, the filing party must include in the articles of conversion a



statement that the complete signed plan of conversion is on file at the registered office or principal place of business of the resulting entity or, if the resulting entity is a domestic limited partnership, the office described in paragraph (a) of subsection 1 of NRS 88.330.

4. If the conversion takes effect on a later date specified in the articles of conversion pursuant to NRS 92A.240, the charter document to be filed with the Secretary of State pursuant to paragraph (b) of subsection 1 must state the name and the jurisdiction of the constituent entity and that the existence of the resulting entity does not begin until the later date.

5. Any records filed with the Secretary of State pursuant to this section must be accompanied by the fees required pursuant to this title for filing the charter document.

Sec. 167. NRS 92A.270 is hereby amended to read as follows:

92A.270 1. Any undomesticated organization may become domesticated in this State as a domestic entity by:

(a) Paying to the Secretary of State the fees required pursuant to this title for filing the charter document; and

(b) Filing with the Secretary of State:

(1) Articles of domestication which must be signed by an authorized representative of the undomesticated organization approved in compliance with subsection 6; ~~and~~

(2) The appropriate charter document for the type of domestic entity ~~for~~ ; and

(3) ~~[A certificate of acceptance of appointment of a resident agent for the domestic entity which is signed by the resident agent.]~~ The information required pursuant to section 31 of this act.

2. The articles of domestication must set forth the:

(a) Date when and the jurisdiction where the undomesticated organization was first formed, incorporated, organized or otherwise created;

(b) Name of the undomesticated organization immediately before filing the articles of domestication;

(c) Name and type of domestic entity as set forth in its charter document pursuant to subsection 1; and

(d) Jurisdiction that constituted the principal place of business or central administration of the undomesticated organization, or any other equivalent thereto pursuant to applicable law,

↪ immediately before filing the articles of domestication.

3. Upon filing the articles of domestication ~~for~~ and the charter document ~~[and the certificate of acceptance of appointment of a resident agent]~~ with the Secretary of State, and the payment of the requisite fee for filing the charter document of the domestic entity, the undomesticated organization is domesticated in this State as the domestic entity described in the charter document filed pursuant to subsection 1. The existence of the domestic entity begins on the date the undomesticated organization began its existence in the

jurisdiction in which the undomesticated organization was first formed, incorporated, organized or otherwise created.

4. The domestication of any undomesticated organization does not affect any obligations or liabilities of the undomesticated organization incurred before its domestication.

5. The filing of the charter document of the domestic entity pursuant to subsection 1 does not affect the choice of law applicable to the undomesticated organization. From the date the charter document of the domestic entity is filed, the law of this State applies to the domestic entity to the same extent as if the undomesticated organization was organized and created as a domestic entity on that date.

6. Before filing articles of domestication, the domestication must be approved in the manner required by:

(a) The document, instrument, agreement or other writing governing the internal affairs of the undomesticated organization and the conduct of its business; and

(b) Applicable foreign law.

7. When a domestication becomes effective, all rights, privileges and powers of the undomesticated organization, all property owned by the undomesticated organization, all debts due to the undomesticated organization, and all causes of action belonging to the undomesticated organization are vested in the domestic entity and become the property of the domestic entity to the same extent as vested in the undomesticated organization immediately before domestication. The title to any real property vested by deed or otherwise in the undomesticated organization is not reverted or impaired by the domestication. All rights of creditors and all liens upon any property of the undomesticated organization are preserved unimpaired and all debts, liabilities and duties of an undomesticated organization that has been domesticated attach to the domestic entity resulting from the domestication and may be enforced against it to the same extent as if the debts, liability and duties had been incurred or contracted by the domestic entity.

8. When an undomesticated organization is domesticated, the domestic entity resulting from the domestication is for all purposes deemed to be the same entity as the undomesticated organization. Unless otherwise agreed by the owners of the undomesticated organization or as required pursuant to applicable foreign law, the domestic entity resulting from the domestication is not required to wind up its affairs, pay its liabilities or distribute its assets. The domestication of an undomesticated organization does not constitute the dissolution of the undomesticated organization. The domestication constitutes a continuation of the existence of the undomesticated organization in the form of a domestic entity. If, following domestication, an undomesticated organization that has become domesticated pursuant to this section continues its existence in the foreign country or foreign jurisdiction in which it was existing immediately before the domestication, the domestic

entity and the undomesticated organization are for all purposes a single entity formed, incorporated, organized or otherwise created and existing pursuant to the laws of this State and the laws of the foreign country or other foreign jurisdiction.

9. As used in this section, "undomesticated organization" means any incorporated organization, private law corporation, whether or not organized for business purposes, public law corporation, general partnership, registered limited-liability partnership, limited partnership or registered limited-liability limited partnership, proprietorship, joint venture, foundation, business trust, real estate investment trust, common-law trust or any other unincorporated business formed, organized, created or the internal affairs of which are governed by the laws of any foreign country or jurisdiction other than the United States, the District of Columbia or another state, territory, possession, commonwealth or dependency of the United States.

Sec. 168. NRS 92A.460 is hereby amended to read as follows:

92A.460 1. Except as otherwise provided in NRS 92A.470, within 30 days after receipt of a demand for payment, the subject corporation shall pay each dissenter who complied with NRS 92A.440 the amount the subject corporation estimates to be the fair value of his shares, plus accrued interest. The obligation of the subject corporation under this subsection may be enforced by the district court:

(a) Of the county where the corporation's ~~registered~~ principal office is located; ~~or~~

(b) *If the corporation's principal office is not located in this State, in Carson City; or*

(c) At the election of any dissenter residing or having its ~~registered~~ principal office in this State, of the county where the dissenter resides or has its ~~registered~~ principal office.

➡ The court shall dispose of the complaint promptly.

2. The payment must be accompanied by:

(a) The subject corporation's balance sheet as of the end of a fiscal year ending not more than 16 months before the date of payment, a statement of income for that year, a statement of changes in the stockholders' equity for that year and the latest available interim financial statements, if any;

(b) A statement of the subject corporation's estimate of the fair value of the shares;

(c) An explanation of how the interest was calculated;

(d) A statement of the dissenter's rights to demand payment under NRS 92A.480; and

(e) A copy of NRS 92A.300 to 92A.500, inclusive.

Sec. 169. NRS 92A.490 is hereby amended to read as follows:

92A.490 1. If a demand for payment remains unsettled, the subject corporation shall commence a proceeding within 60 days after receiving the demand and petition the court to determine the fair value of the shares and accrued interest. If the subject corporation does not commence the

proceeding within the 60-day period, it shall pay each dissenter whose demand remains unsettled the amount demanded.

2. A subject corporation shall commence the proceeding in the district court of the county where its ~~registered~~ principal office is located. If the *principal office of the subject corporation is ~~a foreign entity without a resident agent~~ not located* in the State, it shall commence the proceeding in the county where the ~~registered~~ principal office of the domestic corporation merged with or whose shares were acquired by the foreign entity was located. *If the principal office of the subject corporation and the domestic corporation merged with or whose shares were acquired is not located in this State, the subject corporation shall commence the proceeding in the district court in Carson City.*

3. The subject corporation shall make all dissenters, whether or not residents of Nevada, whose demands remain unsettled, parties to the proceeding as in an action against their shares. All parties must be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law.

4. The jurisdiction of the court in which the proceeding is commenced under subsection 2 is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers have the powers described in the order appointing them, or any amendment thereto. The dissenters are entitled to the same discovery rights as parties in other civil proceedings.

5. Each dissenter who is made a party to the proceeding is entitled to a judgment:

(a) For the amount, if any, by which the court finds the fair value of his shares, plus interest, exceeds the amount paid by the subject corporation; or

(b) For the fair value, plus accrued interest, of his after-acquired shares for which the subject corporation elected to withhold payment pursuant to NRS 92A.470.

Sec. 170. NRS 14.020 is hereby amended to read as follows:

14.020 1. Every corporation, miscellaneous organization described in chapter 81 of NRS, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust and municipal corporation created and existing under the laws of this State, any other state, territory or foreign government, or the Government of the United States, doing business in this State shall appoint and keep in this State a ~~resident~~ registered agent who resides or is located in this State, upon whom all legal process and any demand or notice authorized by law to be served upon it may be served in the manner provided in subsection 2. ~~The corporation, miscellaneous organization, limited liability company, limited liability partnership, limited partnership, limited liability limited partnership, business trust or municipal corporation shall file with the Secretary of State a certificate of acceptance of appointment signed by its resident agent. The certificate must set forth the full name and street address~~

~~of the resident agent. A certificate]~~ *A statement of change of [resident] registered agent must be filed in the manner provided in [title 7 of NRS] section 34 of this act if the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation desires to change its [resident agent. A certificate of name change of resident agent must be filed] registered agent. A registered agent must file a statement of change in the manner provided in [title 7 of NRS] section 35 or 36 of this act if the [name of a resident agent is changed as a result of a merger, conversion, exchange, sale, reorganization or amendment.] registered agent changes its name or address.*

2. All legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation may be served upon the ~~[resident]~~ registered agent personally or by leaving a true copy thereof with a person of suitable age and discretion at the *most recent street address of the registered [office] agent shown on the [current certificate of acceptance] information filed with the Secretary of State [-] pursuant to sections 2 to 43, inclusive, of this act.*

3. Unless the ~~[registered office]~~ street address of the registered agent is the home residence of the ~~[resident]~~ registered agent, the ~~[registered office]~~ street address of the registered agent of a corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation must be staffed during normal business hours by:

- (a) The ~~[resident]~~ registered agent; or
- (b) One or more natural persons who are:

(1) Of suitable age and discretion to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation; and

(2) Authorized by the ~~[resident]~~ registered agent to receive service of legal process and any demand or notice authorized by law to be served upon the corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation.

4. A corporation, miscellaneous organization, limited-liability company, limited-liability partnership, limited partnership, limited-liability limited partnership, business trust or municipal corporation that fails or refuses to comply with the requirements of subsection 3 is subject to a fine of not less than \$100 nor more than \$500 for each day of such failure or refusal to comply with the requirements of subsection 3, to be recovered with costs by the State, before any court of competent jurisdiction, by action at law

prosecuted by the Attorney General or by the district attorney of the county in which the action or proceeding to recover the fine is prosecuted.

5. Subsection 2 provides an additional mode and manner of serving process, demand or notice and does not affect the validity of any other service authorized by law.

6. As used in this section:

(a) "~~Registered office~~" ~~means the office maintained at the street address of the resident agent.~~ *agent" has the meaning ascribed to it in section 24 of this act.*

(b) "Street address" means the actual physical location in this State at which a ~~resident~~ *registered* agent is available for service of process.

Sec. 171. NRS 14.030 is hereby amended to read as follows:

14.030 1. If any artificial person described in NRS 14.020 fails to appoint a ~~resident~~ *registered* agent, or fails to file a ~~certificate of acceptance of appointment for 30 days after~~ *statement of change of registered agent pursuant to section 34 of this act before the effective date of a vacancy occurs* in the agency ~~[-] pursuant to section 33 or 37 of this act,~~ on the production of a certificate of the Secretary of State showing either fact, which is conclusive evidence of the fact so certified to be made a part of the return of service, or if the ~~registered office~~ *street address of the registered agent* of the artificial person is not staffed as required pursuant to NRS 14.020, which fact is to be made part of the return of service, the artificial person may be served with any and all legal process, or a demand or notice described in NRS 14.020, by delivering a copy to the Secretary of State, or, in his absence, to any deputy secretary of state, and such service is valid to all intents and purposes. The copy must:

(a) Include a specific citation to the provisions of this section. The Secretary of State may refuse to accept such service if the proper citation is not included.

(b) Be accompanied by a fee of \$10.

➡ The Secretary of State shall keep a copy of the legal process received pursuant to this section in his office for at least 1 year after receipt thereof and shall make those records available for public inspection during normal business hours.

2. In all cases of such service, the defendant has 40 days, exclusive of the day of service, within which to answer or plead.

3. Before such service is authorized, the plaintiff shall make or cause to be made and filed an affidavit setting forth the facts, showing that due diligence has been used to ascertain the whereabouts of the officers of the artificial person to be served, and the facts showing that direct or personal service on, or notice to, the artificial person cannot be had.

4. If it appears from the affidavit that there is a last known address of the artificial person or any known officers thereof, the plaintiff shall, in addition to and after such service on the Secretary of State, mail or cause to be mailed to the artificial person or to the known officer, at such address, by registered

or certified mail, a copy of the summons and a copy of the complaint, and in all such cases the defendant has 40 days after the date of the mailing within which to appear in the action.

5. This section provides an additional manner of serving process, and does not affect the validity of any other valid service.

*Sec. 171.2. NRS 21.075 is hereby amended to read as follows:*

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION  
YOUR PROPERTY IS BEING ATTACHED OR  
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than \$15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed \$500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a



person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

21. Stock of a corporation described in subsection 2 of section 43.5 of this act except as set forth in that section.

➡ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

#### PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

*Sec. 171.4. NRS 21.090 is hereby amended to read as follows:*

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed \$5,000 in value, belonging to the judgment debtor or a dependent of

the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed \$10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (o), one vehicle if the judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (n), (r) and (s), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed \$15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the \$15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed \$350,000 in value and the dwelling is situated upon lands not owned by him.

(n) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(o) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(p) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(q) Money, not to exceed \$500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(r) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(t) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(u) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(v) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as restitution for a criminal act.

(x) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(y) Stock of a corporation described in subsection 2 of section 43.5 of this act except as set forth in that section.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

*Sec. 171.6. NRS 31.045 is hereby amended to read as follows:*

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➔ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION  
YOUR PROPERTY IS BEING ATTACHED OR  
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ..... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.
9. A homestead in a dwelling or a mobile home, not to exceed \$350,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which

they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. A vehicle, if your equity in the vehicle is less than \$15,000.

11. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

12. Money, not to exceed \$500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

13. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

15. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

16. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

17. Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

18. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of

the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

19. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

20. Payments received as restitution for a criminal act.

21. Stock of a corporation described in subsection 2 of section 43.5 of this act except as set forth in that section.

↪ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

#### PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS

EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

*Sec. 171.8. NRS 31.050 is hereby amended to read as follows:*

31.050 Subject to the order for attachment and the provisions of section 43.5 of this act and chapter 104 of NRS, the right of shares which the defendant may have in the stock of any corporation or company, together with the interest and profits therein, and all debts due such defendant, and all other property in this State of such defendant not exempt from execution, may be attached, and if judgment be recovered, be sold to satisfy the judgment and execution.

*Sec. 172. NRS 108.227 is hereby amended to read as follows:*

108.227 1. In addition to the requirements of NRS 108.226, a copy of the notice of lien must be served upon the owner of the property within 30 days after recording the notice of lien, in one of the following ways:

(a) By personally delivering a copy of the notice of lien to the owner or ~~resident~~ registered agent of the owner;

(b) By mailing a copy of the notice of lien by certified mail return receipt requested to the owner at his place of residence or his usual place of business or to the ~~resident~~ registered agent of the owner at the address of the ~~resident~~ registered agent; or

(c) If the place of residence or business of the owner and the address of the ~~resident~~ registered agent of the owner, if applicable, cannot be determined, by:

(1) Fixing a copy of the notice of lien in a conspicuous place on the property;

(2) Delivering a copy of the notice of lien to a person there residing, if such a person can be found; and

(3) Mailing a copy of the notice of lien addressed to the owner at:

(I) The place where the property is located;

(II) The address of the owner as identified in the deed;

(III) The address identified in the records of the office of the county assessor; or

(IV) The address identified in the records of the county recorder of the county in which the property is located.

2. If there is more than one owner, failure to serve a copy of the notice of lien upon a particular owner does not invalidate a notice of lien if properly served upon another owner.

3. Each subcontractor who participates in the construction, improvement, alteration or repair of a work of improvement shall deliver a copy of each notice of lien required by NRS 108.226 to the prime contractor. The failure of a subcontractor to deliver the notice to the prime contractor is a ground for disciplinary proceedings pursuant to chapter 624 of NRS.

*Sec. 173. NRS 273.010 is hereby amended to read as follows:*



273.010 1. Every municipal corporation organized in another state, that enters this State to do business, shall, before commencing work or doing any business in this State, file in the Office of the Secretary of State:

(a) A certified copy of its charter, or of the statute or statutes, or legislative, executive or governmental acts, or other instruments of authority by which it was created; and

(b) ~~[A certificate of acceptance of appointment executed by the resident agent of the corporation.]~~ *The information required ~~by subsection 1 of~~ pursuant to section 31 of this act.*

2. A certified copy of the charter, papers or other instruments and the ~~[certificate of acceptance,]~~ *information required ~~by subsection 1 of~~ pursuant to section 31 of this act,* certified by the Secretary of State of this State, must also be filed in the office of the county clerk of the county where the principal place of business of the municipality in this State is located.

Sec. 174. NRS 273.050 is hereby amended to read as follows:

273.050 Every foreign municipal corporation owning property or doing business in this State shall appoint and keep in this State a ~~[resident]~~ *registered agent* as provided in NRS 14.020.

Sec. 175. NRS 293.128 is hereby amended to read as follows:

293.128 1. To qualify as a major political party, any organization must, under a common name:

(a) On January 1 preceding any primary election, have been designated as a political party on the applications to register to vote of at least 10 percent of the total number of registered voters in this State; or

(b) File a petition with the Secretary of State not later than the last Friday in April before any primary election signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by the circulator thereof to the effect that the signers are registered voters of this State according to his best information and belief and that the signatures are genuine and were signed in his presence. Each document of the petition must bear the name of a county, and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last Friday in April preceding a primary election.

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the Secretary of State a certificate of existence which includes the:

(a) Name of the political party;

(b) Names and addresses of its officers;

(c) Names of the members of its executive committee; and

(d) Name of the person who is authorized by the party to act as [resident] registered agent in this State. ~~[The information required by subsection 1 of section 31 of this act.]~~

4. A political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.

Sec. 176. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by him.

2. The form must require:

- (a) The name of the committee;
- (b) The purpose for which it was organized;
- (c) The names, addresses and telephone numbers of its officers;
- (d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;
- (e) The name, address and telephone number of its [resident] registered agent. ~~[information required by subsection 1 of section 31 of this act and the telephone number of the registered agent appointed pursuant this paragraph.]~~ and

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

3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

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

Sec. 177. NRS 294A.240 is hereby amended to read as follows:

294A.240 Each committee for political action shall appoint and keep in this State a ~~[resident]~~ registered agent, as provided in NRS 14.020, who must be a natural person who resides in this State.

Sec. 178. NRS 294A.250 is hereby amended to read as follows:

294A.250 Each committee for the recall of a public officer shall register with the Secretary of State, on a form provided by him. Each form must include:

- 1. The name of the committee;
- 2. The purpose for which it was organized;
- 3. The names and addresses of its officers; and
- 4. If the committee is organized and located outside this State, the name and address of its [resident] registered agent. ~~[the information required by subsection 1 of section 31 of this act.]~~

Sec. 179. NRS 294A.260 is hereby amended to read as follows:

294A.260 Each committee for the recall of a public officer which is organized and located outside this State shall appoint and keep in this State a ~~[resident]~~ registered agent, as provided in NRS 14.020, who must be a natural person residing in this State.

Sec. 180. NRS 370.665 is hereby amended to read as follows:

370.665 1. A manufacturer of tobacco products whose cigarettes are sold in this State, whether or not directly or through a distributor, retailer or similar intermediary or intermediaries shall, not later than April 30 of each year, execute and deliver to the Attorney General and the Department, on a form provided by the Department, a certification which certifies under penalty of perjury that, as of the date of that certification, the manufacturer of tobacco products is either:

- (a) A participating manufacturer; or
- (b) In full compliance with subsection 2 of NRS 370A.140, including any quarterly installment payments required pursuant to NRS 370.690.

2. Except as otherwise provided in NRS 370.670:

(a) A participating manufacturer shall include in its certification pursuant to this section a list of its brand families. The participating manufacturer shall update that list at least 30 calendar days before it adds to or modifies its brand families by executing and delivering a supplemental certification to the Attorney General and the Department.

(b) A nonparticipating manufacturer shall, in its certification pursuant to this section:

(1) Include:

(I) A list of all of its brand families and the number of units sold for each brand family that were sold in the State during the preceding calendar year; and

(II) A list of all of its brand families that have been sold in the State at any time during the current calendar year;

(2) Indicate, by an asterisk, any brand family sold in the State during the preceding calendar year that is no longer being sold in the State as of the date of the certification; and

(3) Identify, by name and address, any other manufacturer of those brand families in the preceding or current calendar year.

➔ A nonparticipating manufacturer shall update the information required by this paragraph at least 30 calendar days before it adds to or modifies its brand families by executing and delivering a supplemental certification to the Attorney General and the Department.

3. In addition to the requirements of subsection 2, the certification of a nonparticipating manufacturer pursuant to this section must certify:

(a) That the nonparticipating manufacturer is registered to do business in the State or has appointed ~~for a resident~~ *an* agent for service of process and provided notice thereof as required by NRS 370.680;

(b) That the nonparticipating manufacturer has:

(1) Established and continues to maintain a qualified escrow fund; and

(2) Executed a qualified escrow agreement governing the qualified escrow fund that has been reviewed and approved by the Attorney General;

(c) That the nonparticipating manufacturer is in full compliance with chapter 370A of NRS and any regulations adopted pursuant thereto;

(d) The name, address and telephone number of the financial institution where the nonparticipating manufacturer has established the qualified escrow fund required pursuant to chapter 370A of NRS and any regulations adopted pursuant thereto;

(e) The account number of that qualified escrow fund and any subaccount number for this State;

(f) The amount the nonparticipating manufacturer placed in that qualified escrow fund for cigarettes sold in the State during the preceding calendar year, the date and amount of each such deposit, and such evidence or verification as may be deemed necessary by the Department to confirm the information required by this paragraph; and

(g) The amount and date of any withdrawal or transfer of money the nonparticipating manufacturer made at any time from that qualified escrow fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to chapter 370A of NRS and any regulations adopted pursuant thereto.

Sec. 181. NRS 463.311 is hereby amended to read as follows:

463.311 The Commission may issue an emergency order for suspension, limitation or conditioning of a license, registration, finding of suitability, pari-mutuel license or prior approval, or may issue an emergency order requiring a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay such licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment in the following manner:

1. An emergency order may be issued only when the Commission believes that:

(a) There has been a violation of subsection 2 of NRS 463.360 or NRS 465.083;

(b) Such action is necessary to prevent a violation of NRS 465.083;

(c) There has been a violation of subsection 1 of NRS 463.160; or

(d) Such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare.

2. The emergency order must set forth the grounds upon which it is issued, including a statement of facts constituting the alleged emergency necessitating such action.

3. An emergency order may be issued only with the approval of and upon signature by not less than three members of the Commission.

4. The emergency order is effective immediately upon issuance and service upon the licensee or ~~resident~~ *registered* agent of the licensee or, in cases involving registrations, findings of suitability, pari-mutuel licenses or any prior approval, upon issuance and service upon the person or entity involved or ~~resident~~ *registered* agent of the entity involved. The emergency order may suspend, limit, condition or take other action in relation to the license of one or more persons in an operation without affecting other individual licensees or the licensed gaming establishment. The emergency

order remains effective until further order of the Commission or final disposition of the case.

5. Within 5 days after issuance of an emergency order, the Commission shall cause a complaint to be filed and served upon the person or entity involved in accordance with the provisions of NRS 463.312.

6. Thereafter, the person or entity against whom the emergency order has been issued and served is entitled to a hearing before the Commission in accordance with NRS 463.312 to 463.3145, inclusive, and to judicial review of the decision and order of the Commission thereon in accordance with NRS 463.315 to 463.318, inclusive.

Sec. 182. NRS 519A.190 is hereby amended to read as follows:

519A.190 A person who desires to engage in an exploration project must:

1. File with the Division, upon a form approved by it, an application for a permit. The application must include:

(a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its ~~resident~~ registered agent for service of process;

(b) An exploration map or sketch in sufficient detail to enable the Division to locate the area to be explored and to determine whether significant environmental problems are likely to result;

(c) The kinds of prospecting and excavation techniques that will be used in the exploration project; and

(d) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project.

4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.

5. File with the Division a bond or other surety in a form approved by the Administrator and in an amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

Sec. 183. NRS 519A.210 is hereby amended to read as follows:

519A.210 A person who desires to engage in a mining operation must:

1. File with the Division, upon a form approved by it, an application for a permit for each location at which he will conduct operations. The application must include:

(a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its ~~resident~~ registered agent for service of process;

(b) A completed checklist developed by the Division pursuant to NRS 519A.220; and

(c) Any other information required by the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to NRS 519A.160.

3. Agree in writing to assume responsibility for the reclamation of any land damaged as a result of the mining operation.

4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.

5. File with the Division a bond or other surety in a form and amount required by the regulations adopted by the Commission pursuant to NRS 519A.160.

6. File with the Division of Minerals of the Commission on Mineral Resources a copy of the plan for reclamation which is filed with the application pursuant to subsection 1, on the same day the application is filed with the Division.

Sec. 184. NRS 598.767 is hereby amended to read as follows:

598.767 An organization shall file with the Division ~~[a designation and acceptance of]~~ the information required ~~[by subsection 1 of]~~ pursuant to section 31 of this act and continuously maintain a ~~[resident]~~ registered agent for service of legal process.

Sec. 184.5. Chapter 604A of NRS is hereby amended by adding thereto a new section to read as follows:

If the Commissioner receives information from a registered agent pursuant to section 40.2 of this act which indicates that a person may be violating the provisions of this chapter, the Commissioner shall investigate the person and take any appropriate action pursuant thereto.

Sec. 184.7. NRS 604A.710 is hereby amended to read as follows:

604A.710 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business of making loans or participating in such business as principal, agent, broker or otherwise; ~~and~~

(c) Any registered agent who represents a licensee or any other person engaged in the business of making loans; and

(d) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination, the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, and the files, safes and vaults of such persons.

3. The investigation of a registered agent pursuant to subsection 1, including, without limitation, any books, accounts, papers and records used therein must be kept confidential except to the extent necessary to enforce any provision of this chapter.

4. For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make any deferred deposit loan, short-term loan or title loan is presumed to be engaged in the business of making loans.

Sec. 184.9. NRS 604A.810 is hereby amended to read as follows:

604A.810 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may, in addition to all actions provided for in this chapter and without prejudice thereto, enter an order requiring the person to desist or to refrain from such violation.

2. The Attorney General or the Commissioner may bring an action to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business ~~and~~, whether such books, papers, documents and records are in the possession of the defendant, a registered agent acting on behalf of the defendant or any other person. A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.

Sec. 185. NRS 616B.398 is hereby amended to read as follows:

616B.398 An association of self-insured public or private employers shall be deemed to have appointed the Commissioner as its ~~resident~~ agent to receive any initial legal process authorized by law to be served upon the association for as long as the association is obligated to pay any compensation under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

Sec. 186. NRS 616B.679 is hereby amended to read as follows:

616B.679 1. Each application must include:

- (a) The applicant's name and title of his position with the employee leasing company.
- (b) The applicant's age, place of birth and social security number.
- (c) The applicant's address.
- (d) The business address of the employee leasing company.

(e) The business address of the ~~[resident]~~ *registered* agent of the employee leasing company, if the applicant is not the ~~[resident]~~ *registered* agent.

(f) If the applicant is a:

(1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner.

(2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.

(g) Proof of:

(1) Compliance with the provisions of NRS 360.780.

(2) The payment of any premiums for industrial insurance required by chapters 616A to 617, inclusive, of NRS.

(3) The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.

(4) Insurance coverage for any benefit plan from an insurer authorized pursuant to title 57 of NRS that is offered by the employee leasing company to its employees.

(h) Any other information the Administrator requires.

2. Each application must be notarized and signed under penalty of perjury:

(a) If the applicant is a sole proprietorship, by the sole proprietor.

(b) If the applicant is a partnership, by each partner.

(c) If the applicant is a corporation, by each officer of the corporation.

3. An applicant shall submit to the Administrator any change in the information required by this section within 30 days after the change occurs. The Administrator may revoke the certificate of registration of an employee leasing company which fails to comply with the provisions of NRS 616B.670 to 616B.697, inclusive.

4. If an insurer cancels an employee leasing company's policy, the insurer shall immediately notify the Administrator in writing. The notice must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail or electronic transmission to the Administrator.

Sec. 187. NRS 628.440 is hereby amended to read as follows:

628.440 1. This chapter does not prohibit any person from serving as an employee of, or an assistant to, a certified public accountant or registered public accountant who holds a live permit, or a partnership, corporation or limited-liability company composed of certified public accountants or registered public accountants registered pursuant to NRS 628.340, 628.343, 628.345, 628.360, 628.363 or 628.365 if the employee or assistant does not issue any accounting or financial statement over his name.

2. The Board may adopt regulations providing for the issuance of temporary permits to persons who do not hold live permits and do not have a registered office or residence in this State, or to partnerships, corporations and limited-liability companies which are not registered and have no registered office, to permit those persons, partnerships, corporations and



limited-liability companies to fulfill specific engagements or employments in this State. A temporary permit:

- (a) Is valid for no more than 6 months;
- (b) Covers only one engagement; and
- (c) May not be issued to any person unless he is a certified public accountant or registered public accountant of another state or jurisdiction of the United States approved by the Board, or to any partnership, corporation or limited-liability company unless all of the partners, shareholders or members thereof are certified public accountants or registered public accountants of another state or a jurisdiction of the United States approved by the Board.

3. Each person, partnership, corporation and limited-liability company applying for a temporary permit shall file with the Board a designation and acceptance of ~~[-a resident]~~ *an* agent for service of legal process and shall pay a fee established by the Board by regulation before commencing work for a client.

4. The person, partner, shareholder or member who is responsible for the conduct of the engagement shall be deemed to be personally engaged in the practice of public accounting in this State, and must meet all requirements of NRS 628.310 and requirements for continuing education.

5. A person who holds a temporary permit is subject to all of the provisions of this chapter relating to discipline. The Board may refuse to act upon an application for further permits for a period of time set by the Board, or may refuse to issue a temporary permit to any person, partnership corporation or limited-liability company if disciplinary proceedings are pending in any jurisdiction.

Sec. 188. NRS 662.235 is hereby amended to read as follows:

662.235 1. Any bank organized under this title may state in its articles of incorporation that it will carry on a trust company business in connection with the banking business, and in addition to the powers conferred upon banks may:

- (a) Act as trustee under any mortgage or bond of any person, firm or corporation, or of any municipality or body politic.
- (b) Accept and execute any municipal, corporate or individual trust not inconsistent with the laws of this State.
- (c) Act under the order or appointment of any court as guardian, commissioner, receiver or trustee.
- (d) Act as executor or trustee under any will.
- (e) Act as fiscal or transfer agent of any state, municipality, body politic or corporation, and in a capacity to receive and disburse money and register, transfer and countersign certificates of stock, bonds and other evidences of indebtedness.

- (f) Act as local or ~~[-resident]~~ *registered* agent of foreign corporations.

2. Any such bank holding any asset as a fiduciary shall:

(a) Segregate all such assets from any other assets of the bank and from the assets of any other trust, except as may be expressly provided otherwise by law or by the writing creating the trust.

(b) Record such assets in a separate set of books maintained for fiduciary activities.

Sec. 189. NRS 669.080 is hereby amended to read as follows:

669.080 1. This chapter does not apply to a person who:

(a) Does business under the laws of this State, the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies, but if the business conducted in this State is not subject to supervision by a regulatory authority of another jurisdiction, the person must be licensed pursuant to this chapter;

(b) Is appointed as a fiduciary pursuant to NRS 662.245;

(c) Is acting in the performance of his duties as an attorney at law;

(d) Acts as a trustee under a deed of trust;

(e) Acts as a ~~resident~~ *registered* agent for a domestic or foreign corporation, limited-liability company, limited partnership or limited-liability partnership;

(f) Acts as a trustee of a trust holding real property for the primary purpose of facilitating any transaction with respect to real estate if he is not regularly engaged in the business of acting as a trustee for such trusts;

(g) Engages in the business of a collection agency pursuant to chapter 649 of NRS;

(h) Engages in the business of an escrow agency, escrow agent or escrow officer pursuant to the provisions of chapter 645A or 692A of NRS;

(i) Acts as a trustee of a trust created for charitable or nonprofit purposes if he is not regularly engaged in the business of acting as trustee for such trusts;

(j) Receives money or other property as a real estate broker licensed under chapter 645 of NRS on behalf of a principal;

(k) Engages in transactions as a broker-dealer or sales representative pursuant to chapter 90 of NRS;

(l) Acts as a fiduciary under a court trust;

(m) Does business as an insurer authorized to issue policies of life insurance and annuities or endowment contracts in this State and is subject to regulation and control of the Commissioner of Insurance; or

(n) Acts as a fiduciary if:

(1) The fiduciary relationship is not one of his principal occupations; or

(2) He serves as a fiduciary for a relative by blood or marriage.

2. A bank, savings bank, savings and loan association or thrift company claiming an exemption from this chapter pursuant to paragraph (a) of subsection 1 must notify the Commissioner of Financial Institutions of its intention to engage in the business of a trust company in this State and present proof satisfactory to the Commissioner of Financial Institutions that

its fiduciary activities in this State will be subject to regulation by another jurisdiction.

Sec. 190. NRS 669.210 is hereby amended to read as follows:

669.210 1. Each licensed trust company may:

(a) Act as trustee under any mortgage or bond of any person or of any municipality or body politic.

(b) Accept and execute any municipal or corporate or individual trust not inconsistent with the laws of this State.

(c) Act under the order or appointment of any court as guardian, administrator, receiver or trustee.

(d) Act as executor or trustee under any will.

(e) Act as fiscal or transfer agent of any state, municipality, body politic or corporation, and in such capacity receive and disburse money and register, transfer and countersign certificates of stock, bonds and other evidences of indebtedness.

(f) Act as local or ~~resident~~ registered agent of foreign corporations.

(g) Accept and execute any trust business permitted by any law.

(h) Acquire the fiduciary rights, powers, duties and liabilities of a bank, savings and loan association, thrift company, trust company or credit union licensed pursuant to titles 55 and 56 of NRS, and upon the effective date of such an acquisition, the fiduciary rights, powers, duties and liabilities of the bank, savings and loan association, thrift company, trust company or credit union vest in and must be performed by the acquiring trust company.

(i) Do and perform all acts necessary to exercise the powers enumerated in this subsection and authorized by this chapter and any other applicable laws of this State.

2. A trust company may not engage in any banking business by accepting deposits or making loans.

*Sec. 190.5. Chapter 675 of NRS is hereby amended by adding thereto a new section to read as follows:*

*If the Commissioner receives information from a registered agent pursuant to section 40.2 of this act which indicates that a person may be violating the provisions of this chapter, the Commissioner shall investigate the person and take any appropriate action pursuant thereto.*

*Sec. 190.7. NRS 675.380 is hereby amended to read as follows:*

675.380 1. For the purpose of discovering violations of this chapter or of securing information lawfully required under this chapter, the Commissioner or his duly authorized representatives may at any time investigate the business and examine the books, accounts, papers and records used therein of:

(a) Any licensee;

(b) Any other person engaged in the business described in NRS 675.060 or participating in such business as principal, agent, broker or otherwise;

~~and~~

(c) Any registered agent who represents a licensee or any other person engaged in the business described in NRS 675.060; and

(d) Any person who the Commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, whether or not the person claims to be within the authority or beyond the scope of this chapter.

2. For the purpose of examination the Commissioner or his authorized representatives shall have and be given free access to the offices and places of business, files, safes and vaults of such persons.

3. The investigation of a registered agent pursuant to subsection 1, including, without limitation, any book, accounts, papers and records used therein must be kept confidential except to the extent necessary to enforce any provision of this chapter.

4. For the purposes of this section, any person who advertises for, solicits or holds himself out as willing to make loan transactions is presumed to be engaged in the business described in NRS 675.060.

Sec. 190.9. NRS 675.430 is hereby amended to read as follows:

675.430 1. Whenever the Commissioner has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter, he may, in addition to all actions provided for in this chapter and without prejudice thereto, enter an order requiring a person to desist or to refrain from such violation.

2. An action may be brought on the relation of the Attorney General and the Commissioner to enjoin a person from engaging in or continuing a violation or from doing any act or acts in furtherance thereof. In any such action, an order or judgment may be entered awarding a preliminary or final injunction as may be deemed proper.

3. In addition to all other means provided by law for the enforcement of a restraining order or injunction, the court in which an action is brought may impound, and appoint a receiver for, the property and business of the defendant, including books, papers, documents and records pertaining thereto, or so much thereof as the court may deem reasonably necessary to prevent violations of this chapter through or by means of the use of property and business. ~~It~~ , whether such books, papers, documents and records are in the possession of the defendant, a registered agent acting on behalf of the defendant or any other person. A receiver, when appointed and qualified, has such powers and duties as to custody, collection, administration, winding up and liquidation of such property and business as may from time to time be conferred upon him by the court.

Sec. 191. NRS 678.344 is hereby amended to read as follows:

678.344 The Commissioner shall issue a certificate of authority to a foreign credit union if he is satisfied that:

1. The members of the credit union to be served in this State are adequately protected by any form of security which is comparable to that required of credit unions organized under the provisions of this chapter.

2. The officer who supervises the credit union in the state in which it was organized has authorized it to do business in Nevada and agrees to furnish, upon request, copies of reports relating to the credit union.

3. The members to be served in this State have a need for the service and adequate service is not available through existing credit unions.

4. A ~~resident~~ registered agent has been designated.

5. The state in which the credit union was organized issues comparable authorization to credit unions organized under the provisions of this chapter.

Sec. 192. NRS 696B.260 is hereby amended to read as follows:

696B.260 A certified copy of any order to show cause issued under NRS 696B.250, and a copy of the petition upon which the order is made ~~shall~~, must be served upon the insurer by delivering the same to its president, vice president, secretary, treasurer, director, ~~resident~~ agent for service of process, or to its managing agent, or attorney-in-fact, ~~if~~ if a reciprocal insurer. ~~It~~ If no such officer or functionary can readily be found in this State, then such process may be served upon the insurer by service thereof upon the Commissioner pursuant to NRS 680A.250 and 680A.260, and in which case the additional 10 days provided by subsection 3 of NRS 680A.260 ~~shall~~ does not apply.

Sec. 193. NRS 78.095, 78.110, 78.165, 86.125, 86.235, 88.331, 88A.070, 88A.510, and 88A.540 are hereby repealed.

Sec. 194. The amendatory provisions of this act do not affect an action or proceeding commenced or right accrued before July 1, 2007.

Sec. 195. 1. This section and sections 40.2, 40.4, 40.6, 43.5, 49.5, 171.2, 171.4, 171.6, 171.8, 184.5, 184.7, 184.9, 190.5, 190.7, 190.9 and 194 of this act ~~become~~ become effective on July 1, 2007.

2. Sections 1 to 40, inclusive, 41, 42, 43, 44 to 49, inclusive, 50 to 171, inclusive, 172 to 184, inclusive, 185 to 190, inclusive, 191, 192 and 193 of this act become effective on July 1, 2007, for the purpose of adopting regulations and on July 1, 2008, for all other purposes.

#### LEADLINES OF REPEALED SECTIONS

78.095 Change of address of resident agent and registered office.

78.110 Resident agent: Revocation of appointment; change of name.

78.165 Addresses of officers and directors required; failure to file.

86.125 "Resident agent" defined.

86.235 Resident agent: Revocation of appointment; change of name.

88.331 Resident agent: Revocation of appointment; change of name.

88A.070 "Resident agent" defined.

88A.510 Change of address.

88A.540 Revocation of appointment; change of name.

Senator Care moved that the Senate concur in the Assembly amendment to Senate Bill No. 242.

Remarks by Senator Care.

Senator Care requested that his remarks be entered in the Journal.

Mr. President, please let the record reflect it is the legislative intent that NRS 669.210, section 1, paragraph (g) includes, without limitation, and has incorporated in it the enumerated powers and limitations of NRS 163.260 to 163.460. Mr. President this makes it clear that a licensed trust company in Nevada has those powers granted under the Trust Act, chapter 163 of NRS. Thank you, Mr. President

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 288.

The following Assembly amendment was read:

Amendment No. 980.

"SUMMARY—Makes various changes concerning fire protection districts. (BDR 42-944)"

"AN ACT relating to fire protection districts; requiring the board of directors of a fire protection district created by an election to cooperate with the State Forester Firewarden and certain other agencies to prevent and suppress fires in wild lands; authorizing such a board of directors to appoint a district fire chief; providing that the activities of a fire protection district created by an election are separate from county activities and any other political subdivision in this State; authorizing a board of fire commissioners to provide emergency medical services within a fire protection district ~~and~~ under certain circumstances; requiring title to all property acquired by a fire protection district organized by a board of county commissioners to vest in the district; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the organization of fire protection districts by an ordinance adopted by a board of county commissioners or by the approval of the voters of a proposed fire protection district. (Chapter 474 of NRS) Under existing law, a fire protection district approved by the voters may include contiguous territory from more than one county. (NRS 474.010) Section 9 of this bill provides that such a fire protection district may ~~only consist of~~ include incorporated territory within a ~~single county and eliminates the requirement that the territory be contiguous~~ consolidated municipality, provided that such territory is not included in any other fire protection district. Section 9 also removes the exclusion that had prohibited such a fire protection district from including timberland patrolled by the United States Forest Service. Sections 2-8 and 15-18 of this bill borrow various existing provisions that are applicable to a fire protection district organized by a board of county commissioners and make them applicable to a fire protection district approved by the voters. ~~Sections 10-14 and 19 of this bill remove references to a fire protection district that includes territory in more than one county.~~ Sections 20, 21, 22 and 24 of this bill borrow various existing provisions that are applicable to a fire protection district approved by the voters and make them applicable to a fire protection district organized by a

board of county commissioners. Section 25 of this bill restricts existing procedures for the reorganization of a fire protection district to apply only to a fire protection district organized by a board of county commissioners.

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

Section 1. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. 1. *A county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act, upon its formation:*

- (a) *Is a political subdivision of this State; and*
- (b) *Has perpetual existence unless dissolved as provided in this chapter.*

2. *Each such district may:*

- (a) *Sue and be sued, and be a party to suits, actions and proceedings;*
- (b) *Arbitrate claims; and*
- (c) *Contract and be contracted with.*

Sec. 3. *The board of directors of a county fire protection district shall cooperate with the State Forester Firewarden and other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.200 for that purpose to cooperating agencies, or may receive contributions from other agencies to be spent for that purpose.*

Sec. 4. 1. *The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies.*

2. *In lieu of or in addition to the provisions of subsection 1, the board of directors may ~~not~~*

~~(a) Provide~~ *provide fire protection to the county fire protection district by entering into agreements with other agencies as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district. ~~or~~*

~~(b) Support, direct or integrate volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.~~

Sec. 5. *The activities of a county fire protection district are separate from county activities and any other political subdivision in this State.*

Sec. 6. ~~The~~ *Except as otherwise provided in subsection 2, the board of fire commissioners of a district organized pursuant to NRS 474.460 may:*

- ~~1.~~ (a) *Provide emergency medical services within the district; and*

~~2-7~~ (b) Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances if necessary, and may take out liability and other insurance therefor. The board of fire commissioners may employ trained personnel to operate those vehicles.

2. The provisions of this section do not allow the board of fire commissioners of a district organized pursuant to NRS 474.460 to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.

Sec. 7. All accounts, bills and demands against a district organized pursuant to NRS 474.460 must be audited, allowed and paid by the board of fire commissioners by warrants drawn on the county treasurer or the treasurer of the district. The county treasurer or, if authorized by the board of county commissioners and the board of fire commissioners, the treasurer of the district shall pay them in the order in which they are presented.

Sec. 8. The title to all property which may have been acquired for a district organized pursuant to NRS 474.460 must be vested in the district.

Sec. 9. NRS 474.010 is hereby amended to read as follows:

474.010 Contiguous unincorporated ~~Unincorporated~~ territory lying within one or more counties ~~a county~~ or incorporated territory lying within a consolidated municipality and not included in any other fire protection district ~~[, and not including timberland patrolled by the United States Forest Service or in accordance with the rules and regulations of the United States Forest Service,]~~ may be formed into a county fire protection district in the manner and under the proceedings set forth in NRS 474.010 to 474.450, inclusive ~~[,] , and sections 2 to 5, inclusive, of this act.~~

Sec. 10. NRS 474.020 is hereby amended to read as follows:

474.020 1. When 25 percent or more of the holders of title or evidence of title to lands lying in one body, whose names appear as such upon the last county assessment roll, ~~[shall]~~ present a petition to the board of county commissioners of the county in which the land or the greater portion thereof ~~[lies,]~~ is located, setting forth the exterior boundaries of the proposed district and asking that the district so described be formed into a county fire protection district under the provisions of NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act, the board of county commissioners shall pass a resolution declaring the board's intention to form or organize such territory into a county fire protection district, naming the district and describing its exterior boundaries.

2. The resolution ~~[shall]~~ must:

(a) Fix a time and place for the hearing of the matter not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish the notice of intention of the board of county commissioners to form ~~[such]~~ the county fire protection district, and of the time and place fixed for the hearing,



and ~~{shall}~~ *must* designate that publication ~~{shall}~~ *must* be in ~~{some}~~ *a* newspaper of general circulation published in the county and circulated in the proposed county fire protection district, or if there is no newspaper so published and circulated, then in ~~{some}~~ *a* newspaper of general circulation circulated in the proposed district.

Sec. 11. NRS 474.030 is hereby amended to read as follows:

474.030 The notice ~~{shall}~~ *must*:

1. Be headed "Notice of the proposed formation of fire protection district in ..... County ~~{(stating)}~~ *stating* the name of the proposed district and the name of the county or, if there ~~{be}~~ is more than one ~~{,}~~ county, the name of the counties in which the proposed district is located. ~~{(c)}~~ *{c}*

2. State the fact that the board of county commissioners ~~{of the county}~~ has fixed the time and place ~~{(which shall)}~~ ~~*which must be stated in the notice.*~~ ~~{(d)}~~ for a hearing on the matter of the formation of a county fire protection district ~~{,}~~ *and must set forth the time and place of that hearing.*

3. Describe the territory or ~~{shall}~~ specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which boundaries, so far as practicable, ~~{shall}~~ *must* be the centerlines of highways.

4. Be published once a week for 2 successive weeks ~~{prior to}~~ *before* the time fixed for the hearing in the newspaper designated by the board of county commissioners.

Sec. 12. NRS 474.080 is hereby amended to read as follows:

474.080 1. The board of county commissioners shall submit the question of whether the proposed district shall be organized pursuant to the provisions of NRS 474.010 to 474.450, inclusive, *and sections 2 to 5, inclusive, of this act* to the electors of the proposed district at the next primary or general election.

2. The notice must:

(a) Designate a name for the proposed district.

(b) Describe the boundaries of the precincts established therein, ~~{when}~~ *if* more than one, together with a designation of the polling places and board of election for each precinct.

(c) Be published once a week for at least 3 weeks ~~{previous to}~~ *before* the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county or counties in which the ~~{petition for the organization of the district was presented.}~~ *proposed district is located.*

(d) Require the electors to cast ballots, which must contain the words: "..... County fire protection district—Yes," or "..... County fire protection district—No," or words equivalent thereto, and also the names of one or more persons, ~~{(d)}~~ *according* to the division of the proposed district as prayed for in the petition and ordered by the board, ~~{(d)}~~ to be voted for to fill the office of director.

Sec. 13. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding ~~[such]~~ *the* election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast ~~[thereat.] at the election.~~

2. If upon such canvass it appears that a majority of all votes cast in the district, ~~[and in each portion of the counties included in the district in case if lands in more than one county are included therein.]~~ are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory ~~[duly]~~ organized as a county fire protection district under the name theretofore designated; and

(b) The persons receiving, respectively, the highest number of votes for the directors to be ~~[duly]~~ elected to ~~[such]~~ *those* offices.

Sec. 14. NRS 474.120 is hereby amended to read as follows:

474.120 1. The board *of county commissioners* shall then cause a copy of such order, ~~[duly]~~ certified by the clerk of the board, ~~[of county commissioners,]~~ to be immediately filed for record in the office of the county recorder ~~of [any] each county in which any portion of the lands [embraced in such] included in the district are [situated,] located, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each [of such counties.]~~

~~2. No such county.~~

2. The board of county commissioners ~~[of the county]~~ shall ~~[,]~~ *not*, after the date of the organization of the district, allow another fire protection district to be formed ~~[, including any portion of such lands,] within the district~~ without the consent of the owners thereof.

3. From and after such filing, the organization of the district ~~[shall be]~~ *is* complete.

Sec. 15. NRS 474.160 is hereby amended to read as follows:

474.160 The board of directors shall:

1. Manage and conduct the business and affairs of the district.

2. ~~[Make]~~ *Adopt* and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➡ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning ~~[such]~~ *those* substances, materials or devices that is required by the Federal Government and has been adopted by ~~[a]~~ *the* board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.

4. Make and execute in the name of the district all necessary contracts.

5. Adopt a seal for the district to be used in the attestation of proper documents.

6. Provide for the payment from the proper fund of *the salaries of employees of the district* and all the debts and just claims against the district.

7. Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

8. Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.

9. Construct any necessary structures.

10. Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.

11. Eliminate and remove fire hazards within the district ~~[wherever]~~ if practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

12. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive ~~[ ]~~, and sections 2 to 5, inclusive, of this act.

Sec. 16. NRS 474.180 is hereby amended to read as follows:

474.180 ~~[The]~~ Except as otherwise provided in subsection 2, the board of directors may ~~[purchase]~~:

~~[1.]~~ (a) Provide emergency medical services within the district; and

~~[2.]~~ (b) Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances whenever necessary, and may take out liability and other insurance therefor. The board of directors may employ trained personnel to operate ~~[these]~~ those vehicles.

2. The provisions of this section do not allow the board of directors to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.

Sec. 17. NRS 474.190 is hereby amended to read as follows:

474.190 1. Subject to the provisions of subsection ~~[2.]~~ 3, the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

2. *The budget must be based on estimates of the amount of money that will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.*

3. The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities ~~[shall]~~ *must* not in any 1 year exceed 1 percent of the ~~[assessable property within the district]~~.

~~3. In determining the tax to be levied to raise the amount of money required by such budget within such limitation, the board of county commissioners shall prorate 80 percent of the amount of the tax upon the assessed value of improvements and personal property upon each parcel of land and 20 percent upon the assessed value of each parcel of land, if upon the formation of the district a provision for such procedure was included in the notice to create the district approved by the property owners, or if a petition requesting such procedure, signed by not less than a majority of the property owners within the district, is presented to the board prior to January 20.]~~ *assessed value of the property described in NRS 474.200 and any net proceeds of minerals derived from within the boundaries of the district.*

Sec. 18. NRS 474.200 is hereby amended to read as follows:

474.200 1. At the time of making the levy of county taxes for that year, the ~~boards~~ ~~board~~ of county commissioners shall levy the tax ~~[certified]~~ *established pursuant to NRS 474.190* upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes. *Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.*

3. When the tax is collected it must be placed in the treasury of the county in which the greater portion of the county fire protection district is located, to the credit of the ~~[current expense fund of the district, and may be used only for the purpose for which it was raised.]~~ ~~[county fire protection]~~ *district. The treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of the district must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district emergency fund that causes the balance in that*

*fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.*

*4. For the purposes of subsection 3, an emergency includes, without limitation, any event that:*

*(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;*

*(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and*

*(c) Requires the district to provide money to obtain a matching grant from a state agency or an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.*

Sec. 19. NRS 474.300 is hereby amended to read as follows:

474.300 1. In any county fire protection district availing itself of the privileges of this section and NRS 474.220 and 474.310, the board of directors of ~~such~~ the district annually shall determine the tax necessary for the payment of interest and principal of such bonds.

2. The amount of the tax ~~shall~~ must be certified to the ~~boards~~ ~~board~~ of county commissioners of the counties in which any portion of the district is located, and ~~such~~ the board of county commissioners shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all the real property, together with the improvements thereon, in the district.

3. When levied, the tax ~~shall~~ must be entered on the assessment rolls and collected in the same manner as state and county taxes.

4. When the tax is collected it ~~shall~~ must be placed in the treasury of the county in which the greater portion of the district is located in a special fund for the payment of principal and interest of the bonds. Payments therefrom ~~shall~~ must be made according to the terms of the bonds.

Sec. 20. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county *or consolidated municipality* not included in any other fire protection district, except incorporated areas ~~[-]~~ *other than consolidated municipalities*, may be organized by ordinance by the board of county commissioners of the county in which ~~such~~ that territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as ~~such~~ that territory may be included in another fire protection district formed in accordance with the provisions of chapter 473 of NRS, or NRS 474.010 to 474.450, inclusive ~~[-]~~, *and sections 2 to 5, inclusive, of this act.*

2. Each such district ~~shall~~

~~(a) Be a body corporate and politic;~~

~~(b) Be~~ :

*(a) Is a political subdivision of the State; and*

~~{(c) Have}~~

*(b) Has perpetual existence unless dissolved as provided in this chapter.*

3. Each such district may:

(a) ~~Have and use a corporate seal;~~

~~(b)~~ Sue and be sued, and be a party to suits, actions and proceedings;

~~(c)~~ (b) Arbitrate claims; and

~~(d)~~ (c) Contract and be contracted with.

4. The board of county commissioners ~~of the county~~ organizing each such district ~~shall~~ is ex officio ~~be~~ the governing body of each such district. The governing body ~~shall~~ must be known as the board of fire commissioners.

5. The chairman of the board of county commissioners ~~shall~~ is ex officio ~~be~~ the chairman of each such district.

6. The county clerk ~~shall~~ is ex officio ~~be~~ the clerk of each such district.

7. ~~The~~ Unless the board of fire commissioners employs a treasurer, the county treasurer ~~shall~~ is ex officio ~~be~~ the treasurer of each such district.

Sec. 21. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. ~~Promulgate~~ Adopt and enforce all rules and regulations necessary for the administration and government of the districts and for the furnishing of fire protection ~~to~~ thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

↪ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of ~~such~~ those fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the ~~same when~~ property if no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, ~~either~~ by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts ~~[wherever]~~ if practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~[ ]~~ , and sections 6, 7 and 8 of this act.

Sec. 21.5. NRS 474.480 is hereby amended to read as follows:

474.480 1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden to coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.

2. Through inspection , ~~[and recommendation]~~ the State Forester Firewarden ~~[shall standardize the]~~ *may recommend standardization of* fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.

Sec. 22. NRS 474.490 is hereby amended to read as follows:

474.490 The board of fire commissioners shall cooperate with *the State Forester Firewarden and* other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.510 for ~~[such]~~ *that* purpose to cooperating agencies, or may receive contributions from other agencies to be spent for ~~[such]~~ *that* purpose.

Sec. 23. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may ~~provide~~

~~(a) Provide~~ *provide* the fire protection required by NRS 474.460 to 474.540, inclusive, and sections 6, 7 and 8 of this act to the districts by

entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts. ~~[- or~~

~~(b) Support, direct or integrate volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, and sections 6, 7 and 8 of this act for the furnishing of such protection to the districts.]~~

Sec. 24. NRS 474.510 is hereby amended to read as follows:

474.510 1. The board of fire commissioners shall prepare ~~[a]~~ *an annual budget in accordance with the provisions of NRS 354.470 to 354.626, inclusive*, for each district organized in accordance with NRS 474.460. ~~[- estimating]~~

2. *Each budget must be based on estimates of the amount of money which will be needed to defray the expenses of the district and to meet unforeseen* ~~[fire emergencies, and to determine]~~ *emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.*

~~[2.]~~ 3. At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 1, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

~~[3.]~~ 4. The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection ~~[2.]~~ 3 and any net proceeds of minerals derived from within the boundaries of the district.

~~[4.]~~ 5. If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

~~[5.]~~ 6. For the purposes of NRS 474.460 to 474.550, inclusive, *and sections 6, 7 and 8 of this act*, the ~~[county]~~ *treasurer of the district* shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district ~~[fire]~~ emergency fund. The ~~[sums]~~ *money* collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district fire protection operating fund, and the ~~[sums]~~ *money* collected to meet unforeseen emergencies must be deposited in the district ~~[fire]~~ emergency fund. The district ~~[fire]~~ emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in



the district ~~[fire]~~ emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district ~~[fire]~~ emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.

7. *For the purposes of subsection 6, an emergency includes, without limitation, any event that:*

(a) *Causes widespread or severe damage to property or injury to or the death of persons within the district;*

(b) *As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and*

(c) *Requires the district to provide money to obtain a matching grant from an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.*

Sec. 25. NRS 474.560 is hereby amended to read as follows:

474.560 1. A fire protection district organized pursuant to ~~[this chapter]~~ NRS 474.460 may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. ~~[Such]~~ The reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that ~~[such]~~ the reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district ~~[shall]~~ must be assumed or taken over by the reorganized district.

Sec. 26. (Deleted by amendment.)

Sec. 27. This act becomes effective on July 1, 2007.

Amendment No. 1012.

"SUMMARY—Makes various changes concerning fire protection districts. (BDR 42-944)"

"AN ACT relating to fire protection districts; requiring the board of directors of a fire protection district created by an election to cooperate with the State Forester Firewarden and certain other agencies to prevent and suppress fires in wild lands; authorizing such a board of directors to appoint a district fire chief; providing that the activities of a fire protection district created by an election are separate from county activities and any other political subdivision in this State; authorizing a board of fire commissioners to provide emergency medical services within a fire protection district; ~~[under certain circumstances];~~ requiring title to all property acquired by a fire

protection district organized by a board of county commissioners to vest in the district; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the organization of fire protection districts by an ordinance adopted by a board of county commissioners or by the approval of the voters of a proposed fire protection district. (Chapter 474 of NRS) Under existing law, a fire protection district approved by the voters may include contiguous territory from more than one county. (NRS 474.010) Section 9 of this bill provides that such a fire protection district may include incorporated territory within a consolidated municipality, provided that such territory is not included in any other fire protection district. Section 9 also removes the exclusion that had prohibited such a fire protection district from including timberland patrolled by the United States Forest Service. Sections 2-8 and 15-18 of this bill borrow various existing provisions that are applicable to a fire protection district organized by a board of county commissioners and make them applicable to a fire protection district approved by the voters. Section 8.5 of this bill clarifies that certain persons and entities may not operate an ambulance in an area for which an exclusive franchise for ambulance service has been granted. Sections 20, 21, 22 and 24 of this bill borrow various existing provisions that are applicable to a fire protection district approved by the voters and make them applicable to a fire protection district organized by a board of county commissioners. Section 25 of this bill restricts existing procedures for the reorganization of a fire protection district to apply only to a fire protection district organized by a board of county commissioners.

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

Section 1. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~8~~ 8.5, inclusive, of this act.

Sec. 2. 1. *A county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act, upon its formation:*

- (a) *Is a political subdivision of this State; and*
- (b) *Has perpetual existence unless dissolved as provided in this chapter.*
- 2. *Each such district may:*
  - (a) *Sue and be sued, and be a party to suits, actions and proceedings;*
  - (b) *Arbitrate claims; and*
  - (c) *Contract and be contracted with.*

Sec. 3. *The board of directors of a county fire protection district shall cooperate with the State Forester Firewarden and other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.200 for that purpose to cooperating agencies, or may receive contributions from other agencies to be spent for that purpose.*

Sec. 4. 1. The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies.

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may ~~provide~~ :

(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district ~~or~~ ; or

(b) Support volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.

Sec. 5. The activities of a county fire protection district are separate from county activities and any other political subdivision in this State.

Sec. 6. ~~If, except as otherwise provided in subsection 2, the~~ The board of fire commissioners of a district organized pursuant to NRS 474.460 may:

~~((a))~~ 1. Provide emergency medical services within the district; and

~~((b))~~ 2. Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances if necessary, and may take out liability and other insurance therefor. The board of fire commissioners may employ trained personnel to operate those vehicles.

~~2. The provisions of this section do not allow the board of fire commissioners of a district organized pursuant to NRS 474.460 to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.~~

Sec. 7. All accounts, bills and demands against a district organized pursuant to NRS 474.460 must be audited, allowed and paid by the board of fire commissioners by warrants drawn on the county treasurer or the treasurer of the district. The county treasurer or, if authorized by the board of county commissioners and the board of fire commissioners, the treasurer of the district shall pay them in the order in which they are presented.

Sec. 8. The title to all property which may have been acquired for a district organized pursuant to NRS 474.460 must be vested in the district.

Sec. 8.5. Nothing in this chapter authorizes any person, firm, corporation, association, government, governmental agency or political subdivision of a government to operate an ambulance in any area for which an exclusive franchise for ambulance service has been granted:

1. By a county, city or town pursuant to NRS 244.187, 268.081 or 269.128, as applicable; or

2. By another person or governmental entity authorized to do so on behalf of the county, city or town.

Sec. 9. NRS 474.010 is hereby amended to read as follows:

474.010 Contiguous unincorporated territory lying within one or more counties *or incorporated territory lying within a consolidated municipality* and not included in any other fire protection district ~~[, and not including timberland patrolled by the United States Forest Service or in accordance with the rules and regulations of the United States Forest Service,]~~ may be formed into a county fire protection district in the manner and under the proceedings set forth in NRS 474.010 to 474.450, inclusive ~~[,]~~ , *and sections 2 to 5, inclusive, of this act.*

Sec. 10. NRS 474.020 is hereby amended to read as follows:

474.020 1. When 25 percent or more of the holders of title or evidence of title to lands lying in one body, whose names appear as such upon the last county assessment roll, ~~[shall]~~ present a petition to the board of county commissioners of the county in which the land or the greater portion thereof ~~[lies,]~~ *is located*, setting forth the exterior boundaries of the proposed district and asking that the district so described be formed into a county fire protection district under the provisions of NRS 474.010 to 474.450, inclusive, *and sections 2 to 5, inclusive, of this act*, the board of county commissioners shall pass a resolution declaring the board's intention to form or organize such territory into a county fire protection district, naming the district and describing its exterior boundaries.

2. The resolution ~~[shall]~~ *must*:

(a) Fix a time and place for the hearing of the matter not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish the notice of intention of the board of county commissioners to form ~~[such]~~ *the* county fire protection district, and of the time and place fixed for the hearing, and ~~[shall]~~ *must* designate that publication ~~[shall]~~ *must* be in ~~[some]~~ *a* newspaper of general circulation published in the county and circulated in the proposed county fire protection district, or if there is no newspaper so published and circulated , then in ~~[some]~~ *a* newspaper of general circulation circulated in the proposed district.

Sec. 11. NRS 474.030 is hereby amended to read as follows:

474.030 The notice ~~[shall]~~ *must*:

1. Be headed "Notice of the proposed formation of fire protection district in ..... County " ~~[(stating)]~~ , " *stating* the name of the proposed district and the name of the county or, if there ~~[be]~~ *is* more than one ~~[,]~~ *county*, the name of the counties in which the proposed district is located . ~~[,]~~ "

2. State the fact that the board of county commissioners ~~[of the county]~~ has fixed the time and place ~~[(which shall be stated in the notice)]~~ for a

hearing on the matter of the formation of a county fire protection district ~~[ ]~~, and must set forth the time and place of that hearing.

3. Describe the territory or ~~[shall]~~ specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which boundaries, so far as practicable, ~~[shall]~~ must be the centerlines of highways.

4. Be published once a week for 2 successive weeks ~~[prior to]~~ before the time fixed for the hearing in the newspaper designated by the board of county commissioners.

Sec. 12. NRS 474.080 is hereby amended to read as follows:

474.080 1. The board of county commissioners shall submit the question of whether the proposed district shall be organized pursuant to the provisions of NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act to the electors of the proposed district at the next primary or general election.

2. The notice must:

(a) Designate a name for the proposed district.

(b) Describe the boundaries of the precincts established therein, ~~[when]~~ if more than one, together with a designation of the polling places and board of election for each precinct.

(c) Be published once a week for at least 3 weeks ~~[previous to]~~ before the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county or counties in which the ~~[petition for the organization of the district was presented.]~~ proposed district is located.

(d) Require the electors to cast ballots, which must contain the words: "..... County fire protection district—Yes," or "..... County fire protection district—No," or words equivalent thereto, and also the names of one or more persons, ~~[ ]~~ according to the division of the proposed district as prayed for in the petition and ordered by the board, ~~[ ]~~ to be voted for to fill the office of director.

Sec. 13. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding ~~[such]~~ the election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast ~~[thereat.]~~ at the election.

2. If upon such canvass it appears that a majority of all votes cast in the district, ~~[ ]~~ and in each portion of the counties included in the district ~~[in case]~~ if lands in more than one county are included therein, ~~[ ]~~ are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory ~~[duly]~~ organized as a county fire protection district under the name theretofore designated; and

(b) The persons receiving, respectively, the highest number of votes for the directors to be ~~[duly]~~ elected to ~~[such]~~ those offices.

Sec. 14. NRS 474.120 is hereby amended to read as follows:

474.120 1. The board *of county commissioners* shall then cause a copy of such order, ~~[duly]~~ certified by the clerk of the board, ~~[of county commissioners]~~ to be immediately filed for record in the office of the county recorder of ~~[any]~~ *each* county in which any portion of the lands ~~[embraced in such]~~ *included in the* district are ~~[situated]~~ *located*, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each ~~[of such counties]~~.

~~2. No~~ *such county.*

2. The board of county commissioners ~~[of the county]~~ shall ~~[ ]~~ *not*, after the date of the organization of the district, allow another fire protection district to be formed ~~[, including any portion of such lands,]~~ *within the district* without the consent of the owners thereof.

3. From and after such filing, the organization of the district ~~[shall be]~~ *is* complete.

Sec. 15. NRS 474.160 is hereby amended to read as follows:

474.160 The board of directors shall:

1. Manage and conduct the business and affairs of the district.

2. ~~[Make]~~ *Adopt* and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

↪ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning ~~[such]~~ *those* substances, materials or devices that is required by the Federal Government and has been adopted by ~~[a]~~ *the* board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.

4. Make and execute in the name of the district all necessary contracts.

5. Adopt a seal for the district to be used in the attestation of proper documents.

6. Provide for the payment from the proper fund of *the salaries of employees of the district and* all the debts and just claims against the district.

7. Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

8. Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.

9. Construct any necessary structures.

10. Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.

11. Eliminate and remove fire hazards within the district ~~[wherever]~~ if practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

12. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive ~~[ ]~~ , and sections 2 to 5, inclusive, of this act.

Sec. 16. NRS 474.180 is hereby amended to read as follows:

474.180 The

~~[1. Except as otherwise provided in subsection 2, the]~~ board of directors may ~~[purchase.]~~ :

~~[(a)]~~ 1. Provide emergency medical services within the district; and

~~[(b)]~~ 2. Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances whenever necessary, and may take out liability and other insurance therefor. The board of directors may employ trained personnel to operate [these] those vehicles.

~~[ 2. The provisions of this section do not allow the board of directors to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.]~~

Sec. 17. NRS 474.190 is hereby amended to read as follows:

474.190 1. Subject to the provisions of subsection ~~[2,]~~ 3, the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

2. *The budget must be based on estimates of the amount of money that will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.*

3. The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities ~~[shall]~~ *must* not in any 1 year exceed 1 percent of the ~~[assessable property within the district]~~.

~~3. In determining the tax to be levied to raise the amount of money required by such budget within such limitation, the board of county commissioners shall prorate 80 percent of the amount of the tax upon the assessed value of improvements and personal property upon each parcel of land and 20 percent upon the assessed value of each parcel of land, if upon the formation of the district a provision for such procedure was included in the notice to create the district approved by the property owners, or if a~~

~~petition requesting such procedure, signed by not less than a majority of the property owners within the district, is presented to the board prior to January 20.] assessed value of the property described in NRS 474.200 and any net proceeds of minerals derived from within the boundaries of the district.~~

Sec. 18. NRS 474.200 is hereby amended to read as follows:

474.200 1. At the time of making the levy of county taxes for that year, the boards of county commissioners shall levy the tax ~~[certified]~~ *established pursuant to NRS 474.190* upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes. *Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.*

3. When the tax is collected it must be placed in the treasury of the county in which the greater portion of the *county fire protection* district is located, to the credit of the ~~[current expense fund of the district, and may be used only for the purpose for which it was raised.]~~ *district. The treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of the district must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.*

4. For the purposes of subsection 3, an emergency includes, without limitation, any event that:

(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;

(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and

(c) Requires the district to provide money to obtain a matching grant from a state agency or an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.

Sec. 19. NRS 474.300 is hereby amended to read as follows:



474.300 1. In any county fire protection district availing itself of the privileges of this section and NRS 474.220 and 474.310, the board of directors of ~~[such]~~ the district annually shall determine the tax necessary for the payment of interest and principal of such bonds.

2. The amount of the tax ~~[shall]~~ must be certified to the boards of county commissioners of the counties in which any portion of the district is located, and ~~[such]~~ the board of county commissioners shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all the real property, together with the improvements thereon, in the district.

3. When levied, the tax ~~[shall]~~ must be entered on the assessment rolls and collected in the same manner as state and county taxes.

4. When the tax is collected it ~~[shall]~~ must be placed in the treasury of the county in which the greater portion of the district is located in a special fund for the payment of principal and interest of the bonds. Payments therefrom ~~[shall]~~ must be made according to the terms of the bonds.

Sec. 20. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county *or consolidated municipality* not included in any other fire protection district, except incorporated areas ~~[,]~~ *other than consolidated municipalities*, may be organized by ordinance by the board of county commissioners of the county in which ~~[such]~~ that territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as ~~[such]~~ that territory may be included in another fire protection district formed in accordance with the provisions of chapter 473 of NRS, or NRS 474.010 to 474.450, inclusive ~~[,]~~, and sections 2 to 5, inclusive, of this act.

2. Each such district ~~[shall]~~:

~~(a) Be a body corporate and politic;~~

~~(b) Be :~~

~~(a) Is a political subdivision of the State; and~~

~~[(c) Have]~~

~~(b) Has perpetual existence unless dissolved as provided in this chapter.~~

3. Each such district may:

~~(a) [Have and use a corporate seal;~~

~~(b)] Sue and be sued, and be a party to suits, actions and proceedings;~~

~~[(c)] (b) Arbitrate claims; and~~

~~[(d)] (c) Contract and be contracted with.~~

4. The board of county commissioners ~~[of the county]~~ organizing each such district ~~[shall]~~ is ex officio ~~[be]~~ the governing body of each such district. The governing body ~~[shall]~~ must be known as the board of fire commissioners.

5. The chairman of the board of county commissioners ~~[shall]~~ is ex officio ~~[be]~~ the chairman of each such district.

6. The county clerk ~~[shall]~~ is ex officio ~~[be]~~ the clerk of each such district.

7. ~~[The]~~ *Unless the board of fire commissioners employs a treasurer, the county treasurer ~~[shall]~~ is ex officio ~~[be]~~ the treasurer of each such district.*

Sec. 21. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. ~~[Promulgate]~~ *Adopt and enforce all rules and regulations necessary for the administration and government of the districts and for the furnishing of fire protection ~~[.]~~ thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:*

*(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and*

*(b) Hazardous conditions relating to the use or occupancy of any premises.*

↪ *Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.*

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of ~~[such]~~ *those* fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the ~~[same when]~~ *property if no longer needed.*

8. Construct any necessary structures.

9. Acquire, hold and possess, ~~[either]~~ by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts ~~[wherever]~~ *if* practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~[.]~~ , *and sections 6, 7 and 8 of this act.*

Sec. 21.5. NRS 474.480 is hereby amended to read as follows:

474.480 1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden

to coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.

2. Through inspection, ~~[and recommendation]~~ the State Forester Firewarden ~~[shall standardize the]~~ *may recommend standardization of* fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.

Sec. 22. NRS 474.490 is hereby amended to read as follows:

474.490 The board of fire commissioners shall cooperate with *the State Forester Firewarden and* other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.510 for ~~[such]~~ *that* purpose to cooperating agencies, or may receive contributions from other agencies to be spent for ~~[such]~~ *that* purpose.

Sec. 23. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may:

(a) Provide ~~provide~~ the fire protection required by NRS 474.460 to 474.540, inclusive, *and sections 6, 7 and 8 of this act* to the districts by entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts ~~[-]~~ or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, and sections 6, 7 and 8 of this act for the furnishing of such protection to the districts.

Sec. 24. NRS 474.510 is hereby amended to read as follows:

474.510 1. The board of fire commissioners shall prepare ~~[a]~~ *an annual budget in accordance with the provisions of NRS 354.470 to 354.626, inclusive,* for each district organized in accordance with NRS 474.460. ~~[- estimating]~~

2. *Each budget must be based on estimates of the amount of money which will be needed to defray the expenses of the district and to meet unforeseen ~~fire emergencies, and to determine~~ emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.*

~~{2-}~~ 3. At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 1, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

~~{3-}~~ 4. The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection ~~{2}~~ 3 and any net proceeds of minerals derived from within the boundaries of the district.

~~{4-}~~ 5. If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

~~{5-}~~ 6. For the purposes of NRS 474.460 to 474.550, inclusive, *and sections 6, 7 and 8 of this act*, the ~~{county}~~ treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district ~~{fire}~~ emergency fund. The ~~{sums}~~ money collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district fire protection operating fund, and the ~~{sums}~~ money collected to meet unforeseen emergencies must be deposited in the district ~~{fire}~~ emergency fund. The district ~~{fire}~~ emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district ~~{fire}~~ emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district ~~{fire}~~ emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.

7. *For the purposes of subsection 6, an emergency includes, without limitation, any event that:*

(a) *Causes widespread or severe damage to property or injury to or the death of persons within the district;*

(b) *As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and*

(c) *Requires the district to provide money to obtain a matching grant from an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.*

Sec. 25. NRS 474.560 is hereby amended to read as follows:

474.560 1. A fire protection district organized pursuant to ~~[this chapter]~~ NRS 474.460 may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. ~~[Such]~~ The reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that ~~[such]~~ the reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district ~~[shall]~~ *must* be assumed or taken over by the reorganized district.

Sec. 26. (Deleted by amendment.)

Sec. 27. This act becomes effective on July 1, 2007.

Senator Washington moved that the Senate concur in the Assembly amendments to Senate Bill No. 288.

Remarks by Senators Washington and Care.

Senator Washington moved that Senate Bill No. 288 be taken from Unfinished Business and placed on Unfinished Business on the next agenda.

Remarks by Senator Washington.

Motion carried.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Washington moved that Senate Bill No. 328 be taken from Unfinished Business and placed on Unfinished Business for the next legislative day.

Remarks by Senator Washington.

Motion carried.

Senator Amodei moved that Senate Bill No. 354 be taken from Unfinished Business and placed on Unfinished Business for the next legislative day.

Remarks by Senator Amodei.

Motion carried.

#### UNFINISHED BUSINESS

##### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 394.

The following Assembly amendment was read:

Amendment No. 831.

"SUMMARY—Makes changes relating to certain traffic violations. (BDR 43-991)"

"AN ACT relating to traffic laws; increasing the penalty for certain traffic violations; requiring certain persons to appear personally in court for traffic violations; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 7 of this bill increases the maximum term of imprisonment for refusal to stop a vehicle or to elude a peace officer when given a signal to stop which results in the death or bodily harm of another person from 15 years to 20 years and the fine from \$10,000 to \$50,000. (NRS 484.348) Section 7 also provides that if the driver of a motor vehicle is convicted of a violation of NRS 484.379 arising out of the same act or transaction as the refusal to stop a vehicle or to elude a peace officer when given a signal to stop, the driver is guilty of a category D felony for refusing to stop the vehicle or eluding a peace officer when given a signal to stop.

Section 8 of this bill establishes penalties for aggressive driving. (NRS 484.3765) ~~[Section 9 of this bill establishes penalties for reckless driving. (NRS 484.377) Section 9 also increases the penalty for reckless driving that results in the death or substantial bodily harm of another person from a term of imprisonment between 1 and 6 years, a fine, or both, to mandatory imprisonment and a fine of not less than \$2,000.]~~

Existing law allows a person to comply with a written promise to appear in court by an appearance by counsel. (NRS 171.17885) Section 10 of this bill requires a person to appear personally to comply with a written promise if the written promise is a result of a third or subsequent arrest or citation for a moving traffic violation in unrelated incidents within a 12-month period.

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. ~~[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] 3 of NRS 484.377.~~

~~(2) A violation of NRS 484.379 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 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.~~

~~(e) 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.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 483.490 is hereby amended to read as follows:~~

~~483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:~~

~~(a) To and from work or in the course of his work, or both; or~~

~~(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.~~

~~Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.~~

~~2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:~~

~~(a) Shall install the device not later than 21 days after the date on which the order was issued; and~~

~~(b) May not receive a restricted license pursuant to this section until:~~

~~(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:~~

~~(I) 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; or~~

~~(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;~~

~~(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection [2] 3 of NRS 484.377; or~~



~~(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.~~

~~3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.~~

~~4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:~~

~~(a) If applicable, to and from work or in the course of his work, or both; or~~

~~(b) If applicable, to and from school.~~

~~5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:~~

~~(a) If applicable, to and from work or in the course of his work, or both;~~

~~(b) To receive regularly scheduled medical care for himself or a member of his immediate family; or~~

~~(c) If applicable, as necessary to exercise a court-ordered right to visit a child.~~

~~6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:~~

~~(a) A violation of NRS 484.379, 484.3795 or 484.384;~~

~~(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 driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.~~

~~7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.~~

~~8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.] (Deleted by amendment.)~~

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 484.348 is hereby amended to read as follows:

484.348 1. Except as otherwise provided in this section, the driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or

who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring his vehicle to a stop is guilty of a misdemeanor.

2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.

3. Unless the provisions of NRS 484.377 apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:

(a) Is the proximate cause of damage to the property of a person other than himself; or

(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any person other than himself or the property of any person other than himself,

↪ the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any person other than himself, the driver 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~~ 20 years, or by a fine of not more than ~~10,000~~ \$50,000, or by both fine and imprisonment.

5. *If the driver of the motor vehicle is convicted of a violation of NRS 484.379 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.*

Sec. 8. NRS 484.3765 is hereby amended to read as follows:

484.3765 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484.361 or 484.366.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484.278.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484.297.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484.305.

(4) Following another vehicle too closely in violation of NRS 484.307.

(5) Failing to yield the right-of-way in violation of any provision of NRS 484.315 to 484.323, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.

3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor ~~[-]~~ and:

(a) *For the first offense, shall be punished:*

(1) *By a fine of not less than \$250 but not more than \$1,000; or*

(2) *By both fine and imprisonment in the county jail for not more than 6 months.*

(b) *For the second offense, shall be punished:*

(1) *By a fine of not less than \$1,000 but not more than \$1,500; or*

(2) *By both fine and imprisonment in the county jail for not more than 6 months.*

(c) *For the third and each subsequent offense, shall be punished:*

(1) *By a fine of not less than \$1,500 but not more than \$2,000; or*

(2) *By both fine and imprisonment in the county jail for not more than 6 months.*

4. In addition to any other penalty ~~[-]~~ pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at his own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

~~[4-]~~ 5. To determine whether the provisions of paragraph (a) or (b) of subsection ~~[3]~~ 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

~~[5-]~~ 6. If the driver is already the subject of any other order suspending or revoking his driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

~~[6-]~~ 7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

~~[7-]~~ 8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his driving record in accordance with NRS 483.448 or 483.475,

as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

~~[8.]~~ 9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

~~[9.]~~ 10. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 9. ~~NRS 484.377 is hereby amended to read as follows:~~

~~484.377—1. It is unlawful for a person to:~~

~~(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property;~~

~~(b) Drive a vehicle in an unauthorized speed contest on a public highway.~~

~~→ A violation of this subsection or subsection 1 of NRS 484.348 constitutes reckless driving.~~

~~2. Except as otherwise provided in subsection 3, a person who violates subsection 1 is guilty of a misdemeanor and:~~

~~(a) For the first offense, shall be punished:~~

~~(1) By a fine of not less than \$250 but not more than \$1,000; or~~

~~(2) By both fine and imprisonment in the county jail for not more than 6 months.~~

~~(b) For the second offense, shall be punished:~~

~~(1) By a fine of not less than \$1,000 but not more than \$1,500; or~~

~~(2) By both fine and imprisonment in the county jail for not more than 6 months.~~

~~(c) For the third and each subsequent offense, shall be punished:~~

~~(1) By a fine of not less than \$1,500 but not more than \$2,000; or~~

~~(2) By both fine and imprisonment in the county jail for not more than 6 months.~~

~~3. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484.348, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years [, or] and by a fine of not less than \$2,000 and not more than \$5,000 . [, or by both fine and imprisonment.~~

~~3.] 4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.]~~  
~~(Deleted by amendment.)~~

Sec. 10. NRS 171.17785 is hereby amended to read as follows:

171.17785 1. It is unlawful for a person to violate his written promise to appear given to a peace officer upon the issuance of a misdemeanor

citation prepared manually or electronically, regardless of the disposition of the charge for which the citation was originally issued.

2. ~~{A}~~ *Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.*

3. A warrant may issue upon a violation of a written promise to appear.

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 394.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 425.

The following Assembly amendment was read:

Amendment No. 863.

"SUMMARY—Makes various changes relating to campaign practices. (BDR 24-905)"

"AN ACT relating to campaign practices; requiring a person administering a legal defense fund to report the creation of, contributions received by and expenditures from the fund; prohibiting contributions over a certain amount to a legal defense fund; providing that a "political purpose" includes a legal defense fund ~~{,}~~ for purposes of the provisions prohibiting the solicitation or acceptance of monetary contributions by certain persons during a specified period; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1.7 of this bill requires a person administering a legal defense fund, which is defined in section 1.5 of this bill, to report the creation of the fund and any contributions received by and expenditures made from the fund. Section 1.8 of this bill limits contributions to a legal defense fund by a person to \$10,000 during a specified period.

Existing law prohibits a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect from soliciting or accepting monetary contributions for any political purpose during a certain period before and after a legislative session. (NRS 294A.300) Section 2 of this bill provides that a "political purpose" includes a legal defense fund. ~~{and defines the term "legal defense fund."}~~

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

Section 1. (Deleted by amendment.)

Sec. 1.1. NRS 293.4687 is hereby amended to read as follows:

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

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

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

(c) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~and~~ and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to section 1.7 of this act.

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

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

*Sec. 1.3. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5, 1.7 and 1.8 of this act.*

*Sec. 1.5. "Legal defense fund" means an account established to defray attorney's fees or other legal costs incurred by a candidate or public officer if such a candidate or public officer becomes subject to any civil, criminal or administrative claim or proceeding arising from a campaign, the electoral process or the performance of his official duties.*

*Sec. 1.7. 1. A person who administers a legal defense fund shall:*

*(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and*

*(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.*

*2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.*

*3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.*

*Sec. 1.8. 1. A person shall not make a contribution or contributions to the legal defense fund of a candidate or public officer in an amount which exceeds \$10,000 during the applicable period prescribed in NRS 294A.100 pertaining to the office the candidate is seeking or that the public officer holds.*

*2. A candidate or public officer shall not accept a contribution to his legal defense fund that is made in violation of subsection 1.*

*3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.*

*Sec. 1.9. NRS 294A.002 is hereby amended to read as follows:*

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.004 to 294A.009, inclusive, and section 1.5 of this act have the meanings ascribed to them in those sections.

Sec. 2. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. It is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during a session of the Legislature if it is made for services provided as a part of his regular employment or is additional income to which he is entitled.

3. *As used in this section* ~~is~~

~~(a) "Legal defense fund" means an account established to defray attorney's fees or other legal costs incurred by a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect if such an official becomes subject to any civil, criminal or administrative proceedings arising from a campaign, the electoral process or the performance of his official duties.~~

~~(b) "Political"~~ *"political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.*

*Sec. 2.3. NRS 294A.350 is hereby amended to read as follows:*

294A.350 1. Every candidate for state, district, county, municipal or township office shall file the reports of campaign contributions and expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 ~~and~~ and reports of contributions received by and expenditures made from a legal defense fund required by section 1.7 of this act, even though he:

- (a) Withdraws his candidacy;
- (b) Receives no campaign contributions;
- (c) Has no campaign expenses;
- (d) Is removed from the ballot by court order; or
- (e) Is the subject of a petition to recall and the special election is not held.

2. A candidate who withdraws his candidacy pursuant to NRS 293.202 may file simultaneously all the reports of campaign contributions and expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 ~~and~~ and the report of contributions received by and expenditures made from a legal defense fund required by section 1.7 of this act, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.

*Sec. 2.5. NRS 294A.373 is hereby amended to read as follows:*

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 ~~and~~ and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to section 1.7 of this act.

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

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

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

*Sec. 2.7. NRS 294A.390 is hereby amended to read as follows:*

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

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; ~~for~~
4. The reporting of the creation of a legal defense fund pursuant to section 1.7 of this act; or



5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 ~~and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to section 1.7 of this act.~~

↪ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of sections 1.7 and 1.8 of this act relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in section 1.8 of this act and NRS 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

~~Sec. 3.~~—(Deleted by amendment.)

Sec. 3.3. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280 ~~and section 1.7 of this act,~~ prepare and make available for public inspection a compilation of:

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

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

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

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

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

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

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

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

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

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

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

6. The total contributions received by and expenditures made from a legal defense fund.

Sec. 3.6. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 or section 1.7 of this act has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310, 294A.320 or 294A.360 or section 1.7 of this act is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

↪ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

*Sec. 3.8. NRS 281.501 is hereby amended to read as follows:*

281.501 1. Except as otherwise provided in subsection 2, 3 or 4, a public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

2. Except as otherwise provided in subsection 3, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His pecuniary interest; or

(c) His commitment in a private capacity to the interests of others.

➡ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

(a) His acceptance of a gift or loan;

(b) His direct pecuniary interest; or

(c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity.

➡ It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c) where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed is not greater than that accruing to any other

member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the direct pecuniary interest or commitment.

4. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:

(a) Regarding which he has accepted a gift or loan;

(b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or

(c) In which he has a pecuniary interest,

➡ without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise provided in subsection 6, such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to NRS 294A.120 or 294A.125 or any contributions to a legal defense fund that the public officer reported pursuant to section 1.7 of this act in a timely manner.

5. Except as otherwise provided in NRS 241.0355, if a public officer declares to the body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. After a member of the Legislature makes a disclosure pursuant to subsection 4, he may file with the Director of the Legislative Counsel Bureau a written statement of his disclosure. The written statement must designate the matter to which the disclosure applies. After a Legislator files a written statement pursuant to this subsection, he is not required to disclose orally his interest when the matter is further considered by the Legislature or any committee thereof. A written statement of disclosure is a public record and must be made available for inspection by the public during the regular office hours of the Legislative Counsel Bureau.

7. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of the Legislative Branch from requesting or introducing a legislative measure; or

(b) Require a member of the Legislative Branch to take any particular action before or while requesting or introducing a legislative measure.

8. As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:

- (a) Who is a member of his household;
  - (b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;
  - (c) Who employs him or a member of his household;
  - (d) With whom he has a substantial and continuing business relationship;
- or

(e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.

Sec. 4. This act becomes effective upon passage and approval.

Senator Cegavske moved that the Senate concur in the Assembly amendment to Senate Bill No. 425.

Remarks by Senator Cegavske.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 450.

The following Assembly amendment was read:

Amendment No. 845.

"SUMMARY—Makes various changes to provisions relating to the regulation of oversized and overweight vehicles. (BDR 43-1140)"

"AN ACT relating to transportation; establishing a regional advisory committee in each county whose population is 400,000 or more to advise the Department of Transportation on certain issues relating to oversized and overweight vehicles; removing the authority of a city or county to issue permits to operate oversized or overweight vehicles on the highways of this State; requiring the Department to notify a city or county when an oversized or overweight vehicle has been issued a permit to proceed upon any highway that is under the jurisdiction of the city or county; requiring the Department to adopt regulations regarding the issuance of permits to oversized or overweight vehicles or equipment to proceed upon any highway that is under the jurisdiction of certain cities and counties; providing that the Department may adopt regulations limiting the movement of oversized or overweight vehicles ~~to~~ in certain cities and counties; prohibiting a local authority from enacting an ordinance requiring a permit to operate a vehicle; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes the Department of Transportation and the governing body of a county or a city to issue a permit to operate a vehicle that exceeds the maximum width, length, height or weight as prescribed by law. (NRS 484.7631, 484.765) Section 2 of this bill establishes a regional advisory committee in every county in this State whose population is 400,000 or more to advise the Department and affected cities and counties on issues regarding oversized and overweight vehicles. Section 3 of this bill

provides that the regional advisory committees shall make certain recommendations to the Department, and the Department may adopt regulations, regarding routes for oversized and overweight vehicles as well as the hours of the day and days of the week that best facilitate the safe movement of oversized and overweight vehicles. Section 4 of this bill grants the Department the authority to issue certain permits for oversized and overweight vehicles. Section 5 of this bill requires the Department, upon request, to notify a city or county when a permit has been issued authorizing an oversized or overweight vehicle to use a highway under the jurisdiction of the city or county. Section 5 also requires the Department to adopt regulations regarding the issuance of permits to oversized or overweight vehicles or equipment to be driven, occupy or proceed upon any highway that is under the jurisdiction of a county whose population is less than 400,000 or a city in a county whose population is less than 400,000. Sections 9 and 12 of this bill remove the authority of a governing body of a city or county to issue a permit to operate a vehicle that exceeds the maximum width, length, height or weight as prescribed by law. Section 9 also requires the Department to consider the recommendation of a city or county regarding the issuance of a continuous or multiple trip-limited time permit.

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *There is hereby created in each county whose population is 400,000 or more a regional advisory committee to make recommendations to the Department of Transportation and to affected cities and counties, as applicable, regarding the movement of oversized or overweight vehicles in this State.*

2. *The membership of such a committee must consist of:*

(a) *One member appointed by the Department of Transportation who shall serve as the chair of the committee;*

(b) *One member appointed by the board of county commissioners;*

(c) *One member appointed by the city council of every incorporated city within the county;*

(d) *One member appointed by the largest construction industry association in the county; and*

(e) *One member appointed by the largest motor transport association in the county.*

3. *Each member of such a committee must be appointed for a term of 2 years. A vacancy in the membership of the committee must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member who is appointed to fill a vacancy must possess the same general qualifications as his predecessor.*

4. *Members of such a committee shall serve without compensation.*

Sec. 3. 1. *Each committee established pursuant to section 2 of this act:*

*(a) Shall recommend to the Department of Transportation and the affected cities and counties establishment of certain routes by which oversized or overweight vehicles may proceed through a city or county and any modifications to those routes; and*

*(b) Shall recommend regulations that the Department of Transportation may adopt to limit the movement of oversized or overweight vehicles to certain:*

*(1) Routes;*

*(2) Hours of the day; or*

*(3) Days of the week,*

➡ *to ensure public safety.*

2. *The Department of Transportation and the affected cities and counties shall consider any recommendations concerning the movement of oversized or overweight vehicles made by a committee established pursuant to section 2 of this act.*

Sec. 4. *Upon receipt of the necessary application in writing, the Department of Transportation shall issue a permit to operate or move a vehicle on the highways of this State which has a load that:*

*1. Exceeds 14 feet in height;*

*2. Exceeds 70 feet in length; or*

*3. Exceeds 102 inches in width,*

➡ *unless the Department of Transportation determines that the operation of the vehicle would be a safety hazard or impede the flow of traffic.*

Sec. 5. NRS 484.471 is hereby amended to read as follows:

484.471 1. A procession, except a funeral procession, or parade, except the forces of the United States Armed Services, the military forces of this State and the forces of the police and fire departments, must not occupy, march or proceed along any highway except in accordance with the permit issued by the proper public authority.

2. A sound truck or other vehicle equipped with an amplifier or loudspeaker must not be driven upon any highway for the purpose of selling, offering for sale or advertising in any fashion except in accordance with a permit issued by the proper public authority.

3. An oversized or overweight vehicle or equipment must not be driven, occupy or proceed upon any highway except in accordance with a permit issued by the ~~proper public authority.~~ Department of Transportation.

4. The Department of Transportation, upon request, shall notify a city or county immediately after a permit has been issued for an oversized or overweight vehicle or equipment to be driven, occupy or proceed upon any highway under the jurisdiction of that city or county.

5. Nothing in this chapter prohibits a city or county affected by the issuance of permits pursuant to this section from:

(a) Recommending to the Department of Transportation the establishment of certain routes by which oversized or overweight vehicles may proceed through the city or county and any modifications to those routes; or

(b) Notifying the Department of Transportation if the issuance of a permit authorizing an oversized or overweight vehicle or equipment to be driven, occupy or proceed upon a certain highway would negatively impact traffic safety or flow of traffic due to unique conditions in the city or county.

6. The Department of Transportation shall adopt regulations regarding the issuance of permits for oversized or overweight vehicles or equipment to be driven, occupy or proceed upon any highway that is under the jurisdiction of a county whose population is less than 400,000, or a city in a county whose population is less than 400,000. The regulations may limit the movement of oversized or overweight vehicles to certain:

(a) Routes;

(b) Hours of the day; or

(c) Days of the week.

→ to ensure public safety.

7. Any person who violates any provision of this section is guilty of a misdemeanor.

Sec. 6. NRS 484.759 is hereby amended to read as follows:

484.759 1. As used in this section and NRS 484.760, "special mobile equipment" means a vehicle, not self-propelled, not designed or used primarily for the transportation of persons or property, and only incidentally operated or moved over a highway, excepting implements of husbandry.

2. The Department of Transportation with respect to highways under its jurisdiction and governing bodies of cities and counties with respect to roads under their jurisdiction may, upon application in writing, authorize the applicant to operate or move a vehicle, combination of vehicles, special mobile equipment, or load thereon of a size or weight exceeding the legal maximum, or to use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting on the roadway but by means of a flexible band or chain, or, under emergency conditions, to operate or move a type of vehicle otherwise prohibited by law, upon any highway under the jurisdiction of the Department of Transportation or governing body granting that permit.

3. Except as otherwise provided in NRS 484.7595 to ~~{484.7631,}~~ 484.7625, inclusive, the legal maximum width of any vehicle, combination of vehicles, special mobile equipment or load thereon is 102 inches.

4. If a vehicle is equipped with pneumatic tires, the maximum width from the outside of one wheel and tire to the outside of the opposite outer wheel and tire must not exceed 108 inches, and the outside width of the body of the vehicle or the load thereon must not exceed 102 inches.

5. Lights or devices which must be mounted upon a vehicle under this chapter may extend beyond the permissible width of the vehicle to a distance



not exceeding 10 inches on each side of the vehicle, but the maximum width must not exceed 126 inches.

6. Door handles, hinges, cable cinchers and chain binders may extend 3 inches on each side, but the maximum width of body and door handles, hinges, cable cinchers or chain binders must not exceed 108 inches.

7. A person shall not operate a passenger vehicle on any highway with any load carried thereon extending beyond the line of the hubcaps on its left side or more than 6 inches beyond the line of the hubcaps on its right side.

Sec. 7. NRS 484.7605 is hereby amended to read as follows:

484.7605 1. If a vehicle is carrying a load of loosely piled agricultural products such as hay, straw or leguminous plants in bulk but not crated, baled, boxed or sacked, the load of loosely piled material and any loading racks retaining the load must not exceed 120 inches in width.

2. The provisions of NRS 484.759 with respect to maximum widths do not apply to implements of husbandry incidentally operated, transported, moved or towed over a highway other than an interstate highway or a controlled-access highway.

3. If an implement of husbandry is transported or moved as a load on another vehicle over:

(a) An interstate highway or a controlled-access highway, and the load exceeds 102 inches in width, the movement is subject to the provisions of NRS ~~[484.7631]~~ 484.7625 and the regulations adopted pursuant thereto.

(b) Any highway other than an interstate highway or a controlled-access highway, and the load exceeds 120 inches in width, the vehicle and load must not be operated for a distance of more than 25 miles from the point of origin of the trip and must not be operated at a speed in excess of 30 miles per hour.

Sec. 8. NRS 484.764 is hereby amended to read as follows:

484.764 The application for a permit under NRS 484.759 to ~~[484.7631]~~ 484.7625, inclusive, must:

1. Specifically describe the vehicle or special mobile equipment and load to be operated or moved and the particular highways over which the permit to operate is requested.

2. State whether the permit is requested for a single trip, for continuous use or for multiple trips over a limited time.

Sec. 9. NRS 484.765 is hereby amended to read as follows:

484.765 1. No vehicle operated or moved upon any public highway under the authority of a continuous or multiple trip-limited time permit may exceed a maximum weight of 20,000 pounds on any single axle. Before any continuous permit is issued, the applicant shall pay a reasonable fee to be determined by the Department of Transportation ~~for the governing body of any city or county~~ to pay the costs and expenses of conducting an initial investigation of the highway or highways involved.

2. If, after issuance of a continuous or multiple trip-limited time permit, ~~by~~ the Department of Transportation ~~for the governing body of any city or county~~ the Department or governing body finds that the traffic authorized by

such continuous or multiple trip-limited time permit has caused substantial highway distress, the permit may be revoked summarily, but the revocation does not operate to prevent a subsequent filing of a new application for another continuous or multiple trip-limited time permit.

3. The Department of Transportation shall consider the recommendation of a city or county regarding whether traffic authorized by the issuance of a continuous or multiple trip-limited time permit has caused substantial distress to a highway under the jurisdiction of that city or county, and whether the permit should be revoked.

Sec. 10. NRS 484.769 is hereby amended to read as follows:

484.769 1. It is unlawful for any person to operate or move any vehicle or equipment described in NRS 484.739 or 484.759 to ~~[484.7631,]~~ 484.7625, inclusive, over any highway without first obtaining a permit, or to violate or evade any of the terms or conditions of the permit when issued. A person violating any of the provisions of NRS 484.759 to 484.767, inclusive, is guilty of a misdemeanor.

2. Any person operating or moving any vehicle or equipment described in NRS 484.739 or 484.759 to ~~[484.7631,]~~ 484.7625, inclusive, over any highway under the authorization of a permit for continuous use or multiple trips over a limited time and who violates any weight limitation in excess of the weight authorized by the permit must be punished, upon conviction, as provided in NRS 484.757.

Sec. 11. NRS 484.777 is hereby amended to read as follows:

484.777 1. The provisions of this chapter are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.

2. ~~[Unless]~~ Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of this chapter if the provisions of the ordinance are not in conflict with this chapter ~~[,]~~ or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

- (a) Governing the registration of vehicles and the licensing of drivers;
- (b) Governing the duties and obligations of persons involved in traffic accidents, other than the duties to stop, render aid and provide necessary information; ~~[or]~~
- (c) Providing a penalty for an offense for which the penalty prescribed by this chapter is greater than that imposed for a misdemeanor ~~[,]~~; or
- (d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 12. NRS 484.7631 is hereby repealed.

Sec. 13. This act becomes effective on July 1, 2007.

TEXT OF REPEALED SECTION

484.7631 Permit to operate oversized vehicle; coordination with affected entities; regulations limiting hours, days or routes for movement of oversized vehicle; meetings with affected industries; expedited procedure.

1. In a county whose population is less than 400,000, the Department of Transportation with respect to highways under its jurisdiction and the governing body of the county or a city in the county with respect to roadways under the jurisdiction of the county or city may, upon request, issue a permit to operate a vehicle, or a vehicle with a load that exceeds the legal maximum width, length or height for the vehicle, unless the Department or governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic.

2. In a county whose population is 400,000 or more:

(a) If the operation of a vehicle specified in subsection 1 will not include operation on the state highway system established pursuant to chapter 408 of NRS, the governing body of the county and each city in the county may, upon request, issue a permit to operate the vehicle on a roadway in that city or county:

(1) If the governing body has jurisdiction over the roadway at the point of origination of the route of the vehicle; and

(2) Unless the governing body determines that the operation would be a safety hazard or would unduly impede the flow of traffic; or

(b) If the operation of the vehicle will include operation on the state highway system established pursuant to chapter 408 of NRS, the Department of Transportation shall, upon request, issue a permit to operate the vehicle on a highway in that county, unless the Department of Transportation determines that the operation would be a safety hazard or would unduly impede the flow of traffic. A holder of a permit issued pursuant to this paragraph is not required to obtain a permit pursuant to paragraph (a) before operating the vehicle in accordance with the permit issued pursuant to this paragraph.

3. Before issuing a permit pursuant to subsection 2, the Department of Transportation or the governing body shall coordinate the issuance of the permit with each entity that will be affected by the issuance of the permit.

4. A governing body shall issue single-trip permits and annual permits pursuant to subsection 2 that are consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation pursuant to subsection 5.

5. Except as otherwise provided in this section, the Department of Transportation with respect to highways under its jurisdiction and the governing body of a city or county with respect to roadways under its jurisdiction may adopt regulations providing for an annual permit or a permit for a single trip for a vehicle, or a vehicle with a load exceeding 102 inches

in width, 14 feet in height or 70 feet in length, and limiting the movement of the vehicle to certain hours of the day, days of the week or routes considered necessary to protect public safety. If the Department of Transportation and a governing body of a city or county adopt regulations pursuant to this section, the regulations adopted by the governing body must be consistent, to the greatest extent practicable, with the regulations adopted by the Department of Transportation.

6. The Department of Transportation and each governing body specified in subsection 2 shall:

(a) Periodically meet with persons who represent industries that are affected by any regulations adopted by the Department of Transportation or the governing body relating to the issuance of permits pursuant to this section, including, but not limited to, regulations concerning fees for those permits;

(b) At each meeting specified in paragraph (a), review and consider the regulations specified in that paragraph and any proposed amendments to the regulations; and

(c) To the greatest extent practicable, ensure that the regulations are consistent.

7. The Department of Transportation and each governing body that issues a permit pursuant to subsection 2 shall, to the greatest extent practicable, establish an expedited procedure for issuing a permit for a vehicle or a vehicle with a load that does not exceed 15 feet in height or 110 feet in length:

(a) Within 1 working day after the Department of Transportation or the governing body receives a request for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of 144 inches or less; or

(b) Within 2 working days after the Department of Transportation or the governing body receives a request for the permit, if the vehicle or the vehicle with a load for which the permit is submitted has a width of more than 144 inches but not more than 168 inches.

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 450.

Remarks by Senator Nolan.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 452.

The following Assembly amendment was read:

Amendment No. 873.

"SUMMARY—Makes various changes to provisions governing the regulation of motor vehicle manufacturers, dealers, distributors, brokers, rebuilders and lessors. (BDR 43-644)"

"AN ACT relating to motor vehicles; requiring inspections for certain vehicles to ensure their roadworthiness; amending criteria which may be used to deny, revoke or refuse to renew a license; amending provisions relating to surety bonds provided by brokers, manufacturers, distributors, rebuilders and dealers; requiring a driving school to inspect its vehicles annually; increasing penalties for a violation of rules and regulations regarding driving schools; increasing the penalties for selling a vehicle with an altered odometer; amending provisions relating to the wrecking and salvaging of vehicles; amending the procedures for a transfer of ownership in a vehicle by a junk certificate; repealing a provision relating to special license plates issued to a dealer; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill expands the authority of investigators of the Department of Motor Vehicles in enforcing laws relating to acts of fraud by businesses licensed by the Department. (NRS 481.048)

Section 4 of this bill requires certain vehicles to be inspected and certified for roadworthiness before they may be given a title. Section 5 of this bill requires a licensed dealer, rebuilder, manufacturer, distributor, broker or long-term or short-term lessor and other licensees to display their licenses in a conspicuous place. Section 6 of this bill creates a legal presumption that a person engaged in certain activities is a vehicle dealer for purposes of chapter 482 of NRS, and section 20 of this bill provides criminal penalties for anyone doing so without a license.

Section 17 of this bill requires a person who submits a license renewal electronically to keep the required statement regarding child support on file for 3 years. (NRS 425.520, 482.319) Sections 20, 21, 51, 53, 57, 61 and 62 of this bill create new and amend existing provisions of NRS relating to an applicant's unfitness for a license. (NRS 482.322, 482.3255, 487.160, 487.490, 487.564, 487.650) Sections 22 and 23 of this bill provide the conditions under which a dealer's branch location may be operated. (NRS 482.326, 482.332) Section 22.5 of this bill allows dealers to use not more than six license plates issued to them by the Department for personal use by them or by a member of their immediate family. (NRS 482.330)

Sections 7 and 24 of this bill require the Director of the Department to consider any administrative fines imposed upon a dealer, distributor, rebuilder, manufacturer or broker before renewal of a license. The Director may also require an additional bond before renewing a license. (NRS 482.3331)

Sections 25 and 27 of this bill increase the amount of a bond which must be given as surety by a dealer, distributor, rebuilder, manufacturer or broker and establishes a procedure for collecting on the bond. (NRS 482.3333, 482.345) Section 26 of this bill prohibits a broker from displaying or using a vehicle in conjunction with an advertisement if he is not licensed to sell the vehicle. Existing law provides that a used vehicle dealer may sell at

wholesale a new vehicle to a new or used vehicle dealer. (NRS 482.350) Section 28 of this bill limits this provision to certain instances.

Section 30 of this bill exempts a holder of a temporary permit as a salesman from the right to a hearing if a license is denied. (NRS 482.353) Sections 37, 40 and 55 of this bill provide expanded criminal penalties for submitting falsified information to the Department. (NRS 482.436, 482.555, 487.200)

Section 42 of this bill requires a driving school to ensure its vehicles are inspected annually for roadworthiness and safety. Section 43 of this bill allows the Department to impose an administrative fine which does not exceed \$2,500 for violation of provisions relating to driving schools. Section 44 of this bill changes the length of time a license to operate a driving school is valid from 5 years to 1 year. (NRS 483.730)

Section 46 of this bill expands the activities relating to altering vehicle odometers for which a person is subject to a criminal penalty. (NRS 484.6063, 484.6067) Section 47 of this bill increases the penalty for knowingly selling a motor vehicle with an odometer that has been altered for the purpose of fraud. (NRS 484.6067) Section 48 of this bill raises the minimum amount that a person must pay to someone harmed by a violation of certain provisions relating to odometers from \$1,500 to \$2,500. (NRS 484.6068)

Section 52 of this bill defines when a salvage vehicle is considered to be in its entirety as opposed to when it is considered to be in parts. Section 54 of this bill expands existing provisions that require a wrecker to maintain records relating to vehicles in his possession. (NRS 487.170) Section 56 of this bill revises the procedures by which a vehicle is transferred by a junk certificate. (NRS 487.260)

Section 60 of this bill makes failure to pay or otherwise discharge a final judgment rendered against a garageman, instead of just failure to comply with an order of a court, grounds for the Department to revoke or refuse to renew his certificate of registration. (NRS 487.563)

Section 66 of this bill makes it a misdemeanor to violate any section of chapter 108 of NRS relating to statutory liens, unless otherwise provided. Sections 67 and 68 of this bill require certain regulations relating to activities performed by an inspection station to be adopted by the State Environmental Commission, not the Department of Motor Vehicles. (NRS 445B.775, 445B.785) Section 69 of this bill requires sellers and long-term lessors to provide evidence of compliance with emissions requirements with the dealer's report of sale. (NRS 445B.800) Section 70 of this bill repeals the authority of dealers to register certain vehicles without paying the government services taxes on those vehicles. (NRS 482.321)

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

Section 1. NRS 481.048 is hereby amended to read as follows:

481.048 1. The Director shall appoint, within the limits of legislative appropriations, investigators for the Division of Compliance Enforcement.

2. The duties of the investigators are to travel the State and:

(a) Act as investigators in the enforcement of the provisions of chapters 482 and 487 of NRS, NRS 108.265 to 108.360, inclusive, and 108.440 to 108.500, inclusive, as those sections pertain to motor vehicles, trailers, motorcycles, recreational vehicles and semitrailers, as defined in chapter 482 of NRS.

(b) Act as advisers to ~~[dealers]~~ *any business licensed by the Department* in connection with any problems arising under the provisions of ~~[chapter 482]~~ *chapters 108, 482, 483 and 487 of NRS.*

(c) ~~[Cooperate with]~~ *Advise and assist* personnel of the Nevada Highway Patrol in the enforcement of ~~[the]~~ *traffic laws and motor vehicle registration laws as they pertain to* ~~[dealers]~~ *any business licensed by the Department.*

(d) Act as investigators in the enforcement of the provisions of NRS 483.700 to 483.780, inclusive, relating to the licensing of schools and instructors for training drivers.

(e) *Exercise their police powers* ~~*to prevent acts of fraud by any business licensed by the Department as those acts pertain to motor vehicle laws.*~~ *in the enforcement of the laws of this State to prevent acts of fraud or other abuses in connection with the provision of services offered to the public by the Department.*

(f) Perform such other duties as may be imposed by the Director.

Sec. 1.5. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *"Kit trailer" means a vehicle without motive power which:*

1. *Is designed to carry property on its own structure and to be drawn or towed by a motor vehicle;*

2. *Is sold new in an unassembled, prepackaged condition;*

3. *Does not exceed 6 feet in width and 8 feet in length once assembled; and*

4. *Does not weigh more than 250 pounds unladen.*

Sec. 3. *"Service vehicle" or "work vehicle" means a vehicle owned and operated by a licensed dealer, manufacturer, distributor, long-term or short-term lessor, rebuilder or broker in the furtherance of his business. Such vehicles include, without limitation, a passenger shuttle bus, a tow car, a delivery vehicle or any other vehicle used to transport customers or property to or from the place of business of the dealer, manufacturer, distributor, long-term or short-term lessor, rebuilder or broker.*

Sec. 4. 1. *Before an application for a title for a rebuilt, reconstructed or specially constructed vehicle may be submitted, the vehicle must be inspected and a certificate of inspection must be completed on a form prescribed by the Department which attests that:*

(a) *The work performed on the vehicle meets the standards of the manufacturer for mechanical fitness and safety;*

*(b) The vehicle has been repaired to the standards of the manufacturer; and*

*(c) Any safety equipment, including, without limitation, occupant restraint devices, which was present in the vehicle at the time the vehicle was manufactured is present and operational to the standards of the manufacturer.*

*2. An application for a title for a rebuilt, reconstructed or specially constructed vehicle must include an affidavit which states that the vehicle:*

*(a) Has been inspected pursuant to subsection 1;*

*(b) Is in a condition to be operated safely on the highways of this State; and*

*(c) Has all safety equipment required by the manufacturer.*

*3. Any of the following persons may complete the inspection and sign the certificate of inspection and the affidavit required by subsections 1 and 2:*

*(a) A garageman who operates a garage that is registered pursuant to NRS 487.560;*

*(b) The owner of a body shop licensed pursuant to NRS 487.630;*

*(c) A rebuilder licensed pursuant to NRS 482.325; or*

*(d) Any employee of a garageman, owner of a body shop or rebuilder who is authorized by his employer to inspect the vehicle and attest that the repairs have been completed in accordance with the standards of the manufacturer.*

*Sec. 5. A dealer, rebuilder, manufacturer, distributor, broker or long-term or short-term lessor licensed under the provisions of this chapter shall post his license, and all licenses issued to persons in his employ who are licensed as salesmen, in a conspicuous place clearly visible to the general public at the location described in the license.*

*Sec. 6. Except as otherwise provided in subsection 2 of NRS 482.020, the following activities are prima facie evidence that a person is engaged in the activities of a vehicle dealer:*

*1. A person displays for sale, sells or offers for sale any vehicle which he does not personally own;*

*2. A person demonstrates, or allows the demonstration or operation of, any vehicle for the purpose of sale or future sale or as an inducement to purchase the vehicle; or*

*3. A person engages in an activity specified by subsection 1 of NRS 482.020 or any other act regarding a vehicle which would lead a reasonable person to believe that he may purchase that vehicle or a similar vehicle.*

*Sec. 7. The Director shall, before renewing any license issued pursuant to NRS 482.325, consider:*

*1. The number and types of complaints received against a manufacturer, distributor, rebuilder or dealer by the Department; and*

*2. Any administrative fines imposed upon the manufacturer, distributor, rebuilder or dealer by the Department pursuant to NRS 482.554 and 482.565,*



↪ *and may require the manufacturer, distributor, rebuilder or dealer to provide a good and sufficient bond in the amount set forth in subsection 1 of NRS 482.345 for each category of vehicle sold at each place of business and in each county in which the manufacturer, distributor, rebuilder or dealer is licensed to do business.*

Sec. 8. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 9. NRS 482.011 is hereby amended to read as follows:

482.011 "Based" means *the place or domicile where a vehicle is primarily used*, or if a vehicle is often used in more than one county, then it means *the place or domicile where the vehicle is primarily stored or* ~~maintained~~ *kept*. A vehicle registered for intercounty or interstate operation under the provisions of chapter 706 of NRS shall be deemed to have no base.

Sec. 10. NRS 482.0125 is hereby amended to read as follows:

482.0125 "Branch" means an established place of business of a vehicle dealer *or long-term or short-term lessor* at which he conducts business simultaneously with, and physically separated from, his principal established place of business.

Sec. 11. NRS 482.0127 is hereby amended to read as follows:

482.0127 "Broker" means a person who, for a fee or any other consideration, offers to provide to another person the service of arranging, negotiating or assisting in the purchase of a new or used vehicle which has not been registered *or for which an ownership interest has not been taken* by the broker.

Sec. 12. NRS 482.020 is hereby amended to read as follows:

482.020 1. "Dealer" or "vehicle dealer" means any person who:

(a) For compensation, money or other thing of value sells, exchanges, buys, offers or displays for sale, negotiates or attempts to negotiate a sale or exchange of an interest in a vehicle subject to registration under this chapter or induces or attempts to induce any person to buy or exchange an interest in a vehicle;

(b) *Represents himself as having the ability to sell, exchange, buy or negotiate the sale or exchange of an interest in a vehicle subject to registration under this chapter or in any other state or territory of the United States;*

(c) Receives or expects to receive a commission, money, brokerage fee, profit or any other thing of value from the seller or purchaser of a vehicle; or

~~((e))~~ (d) Is engaged wholly or in part in the business of selling vehicles or buying or taking in trade vehicles for the purpose of resale, selling or offering for sale or consignment to be sold or otherwise dealing in vehicles, whether or not he owns the vehicles.

2. "Dealer" or "vehicle dealer" does not include:

(a) An insurance company, bank, finance company, government agency or any other person coming into possession of a vehicle, acquiring a contractual right to a vehicle or incurring an obligation with respect to a vehicle in the performance of official duties or under the authority of any court of law, if the sale of the vehicle is for the purpose of saving the seller from loss or pursuant to the authority of a court of competent jurisdiction;

(b) A person, other than a long-term or short-term lessor, who is not engaged in the purchase or sale of vehicles as a business, but is disposing of vehicles acquired by the owner for his use and not for the purpose of avoiding the provisions of this chapter, or a person who sells not more than three personally owned vehicles in any 12-month period;

(c) Persons regularly employed as salesmen by dealers, licensed under this chapter, while those persons are acting within the scope of their employment; ~~for~~

(d) Persons who are incidentally engaged in the business of soliciting orders for the sale and delivery of vehicles outside the territorial limits of the United States if their sales of such vehicles produce less than 5 percent of their total gross revenue ~~[-]~~; or

(e) *Persons who sell kit trailers but no other vehicle defined by this chapter.*

Sec. 13. NRS 482.076 is hereby amended to read as follows:

482.076 Except as otherwise provided in NRS 482.363521, "new vehicle" means a vehicle ~~that~~:

~~1. Has~~ :

1. *That has never been registered with the Department and has never been registered with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country; ~~for~~*

~~2. If it~~

2. *For which a certificate of title has never been issued by the Department or by the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country; or*

3. *That has been so registered ~~and~~ or for which a certificate of title has been so issued, if the vehicle is equipped with an odometer ~~[-]~~ that registers 2,500 miles or less. ~~[on the odometer.]~~*

Sec. 14. NRS 482.097 is hereby amended to read as follows:

482.097 1. "Rebuilder" means a person engaged in the ~~business~~ :

(a) *Business* of reconstructing motor vehicles by the alteration, addition or substitution of substantial or essential parts ~~[-]~~; or

(b) *Assembling of replica or specially constructed vehicles from unassembled parts.*

2. Nothing in this section shall be construed to require any licensed new or used vehicle dealer to secure a license as a rebuilder in conjunction with rebuilding in his own facilities.

Sec. 15. NRS 482.1005 is hereby amended to read as follows:

482.1005 1. "Recreational park trailer" means a vehicle which is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and which:

~~{1.}~~ (a) Is built on a single chassis mounted on wheels;

~~{2.}~~ (b) Has a gross trailer area not exceeding 400 square feet in the set-up mode; and

~~{3.}~~ (c) Is certified by the manufacturer as complying with Standard No. A119.5 of the American National Standards Institute.

2. *Nothing in this section shall be construed to mean that a recreational park trailer is a vehicle which must be registered pursuant to the provisions of this chapter.*

Sec. 15.5. NRS 482.132 is hereby amended to read as follows:

482.132 Except as otherwise provided in NRS 482.366605, "used vehicle" means a vehicle that:

1. Has been registered with the Department or ~~has been registered~~ with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country ~~;~~ and

~~2. If~~ ~~2. If~~ ~~and if~~ equipped with an odometer, registers more than 2,500 miles on the odometer ~~;~~ or

2. Regardless of mileage, is at least 1 model year old, as determined by the vehicle manufacturer, and has been registered with the Department or with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country for 30 days or more, if no exemptions for registration exist under the laws of this State or the laws of the jurisdiction in which the vehicle was registered.

Sec. 16. NRS 482.220 is hereby amended to read as follows:

482.220 1. If the vehicle to be registered is a specially constructed, reconstructed, rebuilt or foreign vehicle, that fact must be stated in the application. If the vehicle is a foreign vehicle which has been registered theretofore outside of this State, the owner shall exhibit to the Department the certificate of title and registration card or other evidence of such former registration as may be in the applicant's possession or control or such other evidence as will satisfy the Department that the applicant is the lawful owner or possessor of the vehicle.

2. The application must be accompanied by a motor vehicle inspection certificate signed by a representative of the Department or, as one of the Department's authorized agents, by:

(a) A peace officer;

(b) A dealer;

(c) A rebuilder;

(d) An automobile wrecker; or

(e) A garageman or a service station operator or attendant, so designated in writing by the Director.

3. ~~{The}~~ *Except for a peace officer acting in his official capacity, the Department or any of its authorized inspection agents are entitled to charge \$1 for inspection of any vehicle described in subsection 1.*

4. *For the purposes of this section, "peace officer" means any employee, volunteer or designee of a law enforcement agency acting in an official capacity.*

Sec. 16.5. NRS 482.260 is hereby amended to read as follows:

482.260 1. When registering a vehicle, the Department and its agents or a registered dealer shall:

(a) Collect the fees for license plates and registration as provided for in this chapter.

(b) ~~{Except as otherwise provided in NRS 482.321, collect}~~ *Collect* the governmental services tax on the vehicle, as agent for the county where the applicant intends to base the vehicle for the period of registration, unless the vehicle is deemed to have no base.

(c) Collect the applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

(d) Issue a certificate of registration.

(e) If the registration is performed by the Department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to him.

2. Upon proof of ownership satisfactory to the Director, he shall cause to be issued a certificate of title as provided in this chapter.

3. Except as otherwise provided in NRS 371.070, every vehicle being registered for the first time in Nevada must be taxed for the purposes of the governmental services tax for a 12-month period.

4. The Department shall deduct and withhold 2 percent of the taxes collected pursuant to paragraph (c) of subsection 1 and remit the remainder to the Department of Taxation.

5. A registered dealer shall forward all fees and taxes collected for the registration of vehicles to the Department.

Sec. 17. NRS 482.319 is hereby amended to read as follows:

482.319 1. ~~{A}~~ *Except as otherwise provided in subsection 5, a natural person who applies for the issuance or renewal of a license issued pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.*

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Department.

3. A license may not be issued or renewed by the Department pursuant to the provisions of NRS 482.318 to 482.363105, inclusive, if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. *If a licensee renews an existing license electronically, the licensee shall keep the original of the statement required pursuant to subsection 1 at his place of business for not less than 3 years after submitting the electronic renewal. The statement must be available during business hours for inspection by any authorized agent of the Director or the State of Nevada.*

Sec. 18. NRS 482.320 is hereby amended to read as follows:

482.320 1. Except as otherwise provided in NRS 482.31776, a manufacturer, distributor, dealer or rebuilder who has an established place of business in this State ~~[, or a manufacturer who has executed a franchise with a dealer or distributor who has an established place of business in this State,]~~ and who owns or controls any new or used vehicle of a type otherwise required to be registered under the provisions of this chapter, may operate that vehicle or allow it to be operated for purposes of display, demonstration, maintenance, sale or exchange if there is displayed thereon a special plate or plates issued to the manufacturer, distributor, dealer or rebuilder as provided in NRS 482.275 and 482.330. ~~[Such a vehicle may also be moved or operated for the purpose of towing other vehicles which are to be sold or exchanged, or stored for the purpose of sale or exchange.]~~ Owners or officers of the corporation, *managers*, heads of departments and salesmen may *be temporarily assigned and* operate a vehicle displaying such plates.

2. The provisions of this section do not apply to:

(a) Work or service vehicles owned or controlled by a manufacturer, distributor, dealer or rebuilder.

(b) Vehicles leased by dealers, except vehicles rented or leased to vehicle salesmen in the course of their employment.

(c) Vehicles which are privately owned by the owners, officers or employees of the manufacturer, distributor, dealer or rebuilder.

(d) Vehicles which are being used for personal reasons by a person who is not licensed by the Department or otherwise exempted in subsection 1.

(e) Vehicles which have been given or assigned to persons who work for a manufacturer, distributor, dealer or rebuilder for services performed.

*(f) Vehicles purchased by a manufacturer, distributor, dealer or rebuilder for personal use which the manufacturer, distributor, dealer or rebuilder is not licensed or authorized to resell.*

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 482.322 is hereby amended to read as follows:

482.322 1. Except as otherwise provided in *subsection 2 and* NRS 482.3225, a person shall not engage in the activities of a new vehicle dealer, used vehicle dealer, manufacturer, distributor or rebuilder in this State until he has been issued:

(a) A new vehicle dealer's, used vehicle dealer's, manufacturer's, distributor's, rebuilder's or lessor's license certificate or similar license or permit by every city within whose corporate limits he maintains an established place of business and by every county in which he maintains an established place of business outside the corporate limits of a city; and

(b) A license by the Department. The Department shall not issue a license to the person until he has been issued all certificates, licenses and permits required by paragraph (a).

2. *A person licensed as a dealer pursuant to this chapter shall not engage in the activities of a new vehicle dealer until he has provided the Department with satisfactory proof that he is authorized by a manufacturer to display and offer for sale vehicles produced or distributed by that manufacturer.*

3. A vehicle dealer's, manufacturer's or rebuilder's license issued pursuant to this chapter does not permit a person to engage in the business of a new or used mobile home dealer, manufacturer or rebuilder.

~~{3-}~~ 4. The Department shall investigate any applicant for a dealer's, manufacturer's, distributor's, rebuilder's or lessor's license certificate or license and complete an investigation report on a form provided by the Department.

5. *A person who violates subsection 1 or 2 is guilty of:*

*(a) For a first offense, a misdemeanor.*

*(b) For a second offense, a gross misdemeanor.*

*(c) For a third and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.*

Sec. 21. NRS 482.3255 is hereby amended to read as follows:

482.3255 Evidence of unfitness of an applicant or a licensee for purposes of denial or revocation of a license may consist of, but is not limited to:

1. Failure to discharge a lienholder on a vehicle within 30 days after it is traded to his dealership.

2. Being the former holder of or being a partner, officer, director, owner or manager involved in management decisions of a dealership which held a license issued pursuant to NRS 482.325 which was revoked for cause and never reissued or was suspended upon terms which were never fulfilled.

3. Defrauding or attempting to defraud the State or a political subdivision of any taxes or fees in connection with the sale or transfer of a vehicle.

4. Forging the signature of the registered or legal owner of a vehicle on a certificate of title.

5. Purchasing, selling, otherwise disposing of or having in his possession any vehicle which he knows, or a reasonable person should know, is stolen or otherwise illegally appropriated.

6. Willfully failing to deliver to a purchaser or his lienholder a certificate of title to a vehicle he has sold.

7. Refusing to allow an agent of the Department to inspect, during normal business hours, all books, records and files of the dealership which are maintained within the State.

8. Any fraud which includes, but is not limited to:

(a) Misrepresentation in any manner, whether intentional or grossly negligent, of a material fact.

(b) An intentional failure to disclose a material fact.

9. Willful failure to comply with any regulation adopted by the Department.

10. *Knowingly submitting or causing to be submitted any false, forged or otherwise fraudulent document to the Department to obtain a lien, title, salvage title or certificate of ownership or any duplicate thereof for a vehicle.*

11. *Knowingly causing or allowing a false, forged or otherwise fraudulent document to be maintained as a record of his business.*

12. *Violating the provisions of NRS 482.555 which involved the sale or transfer of interest in a vehicle.*

Sec. 22. NRS 482.326 is hereby amended to read as follows:

482.326 1. A vehicle dealer shall inform the Department of the location of each place at which he conducts any business, and the name under which he does business at each location.

2. If a vehicle dealer does business at more than one location, he shall designate one location in each county in which he does business as his principal place of business for that county and one name as the principal name of his business. He shall designate all of his other business locations not otherwise designated as a principal place of business pursuant to this subsection as branches.

3. *A vehicle dealer who maintains a principal place of business and one or more businesses designated as branches may operate those branches under the authority of the license issued by the Department to the principal place of business under the following conditions:*

(a) *The principal and branch locations are owned and operated by the same principal or group of principals listed on the records of the Department for the principal place of business;*

(b) *The sales activities conducted at a branch location are the same as those authorized by the Department at the principal place of business;*

(c) *The principal place of business and each branch location are located within the same county;*

(d) *The principal place of business and each branch location maintains the appropriate city or county license;*

(e) *The closest boundary of a branch location is not more than 500 feet from the principal place of business;*

(f) *The business sign displayed at each branch location meets the requirements of NRS 482.332 and is essentially the same in name, style and design as that of the principal place of business;*

(g) *Sales transactions originating at a branch location must be culminated, and the records of the transaction maintained, at the principal place of business; and*

(h) *The vehicle dealer shall provide all documentation which the Department deems necessary to ensure that each business location is operated in accordance with the provisions of this chapter and all other applicable laws and regulations established for the operation of a vehicle sales business in this State.*

4. If a vehicle dealer changes the name or location of any of his established places of business, he shall ~~not later than 10 days after making the change, submit to the Department such documents relating to the change as the Department by regulation requires.~~ not conduct business as a vehicle dealer under the new name or at the new location until he has been issued a license for the new name or location from the Department.

Sec. 22.5. NRS 482.330 is hereby amended to read as follows:

482.330 1. Upon issuance of a dealer's, distributor's, manufacturer's or rebuilder's license certificate pursuant to NRS 482.322, the Department shall furnish to the manufacturer, distributor, dealer or rebuilder one or more registration certificates and special plates for use on the vehicles described in the provisions of NRS 482.320. Each plate must have displayed upon it the identification number which is assigned to the dealer, distributor, manufacturer or rebuilder, and may at the discretion of the Department have a different letter or symbol on each plate or pair of plates. The manufacturer's, distributor's, dealer's or rebuilder's license plates may be used interchangeably on that vehicle.

2. The Department shall issue to each dealer a reasonable number of registration certificates and license plates.

3. The Department shall provide by regulation for the issuance of special license plates to dealers or rebuilders and for the number of those plates for use on vehicles loaned by those dealers or rebuilders to:

(a) Customers in the course of business.



- (b) The State of Nevada.
- (c) The Nevada System of Higher Education.
- (d) A school district.
- (e) A county, city or town.
- (f) An organization that is exempt from taxation pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code.

➡ The regulations must prescribe what use may be made of the plates and the persons who may operate a motor vehicle with those plates.

4. *Notwithstanding the provisions of subsection 3, a dealer may use not more than six special plates from the total number of plates issued pursuant to this section for personal use by the dealer or a member of his immediate family.*

Sec. 23. NRS 482.332 is hereby amended to read as follows:

482.332 ~~[A:]~~

1. *Except as otherwise provided in subsection 2, at each of his established places of business, each vehicle dealer, manufacturer, lessor, rebuilder and ~~each~~ broker shall permanently affix a sign containing the name of his business in lettering of sufficient size to be clearly legible from the center of the nearest street or roadway, except that the lettering must be at least 8 inches high and formed by lines that are at least 1-inch wide.*

2. *Upon approval of the Director, and in accordance with all other city and county ordinances, a vehicle dealer or a long-term or short-term lessor may be exempted from the requirements of subsection 1 if:*

(a) *His established place of business or branch location is located within the confines of another business;*

(b) *The other place of business is the primary business at that location; and*

(c) *The primary business is not licensed pursuant to any provision of this chapter.*

Sec. 24. NRS 482.3331 is hereby amended to read as follows:

482.3331 The Director shall, before renewing any license issued pursuant to NRS 482.333, consider ~~the~~:

1. *The number and types of complaints ~~[, if any,]~~ received against a ~~licensed~~ broker by the Department ~~[,]; and~~*

2. *Any administrative fines imposed upon the broker by the Department pursuant to NRS 482.554 and 482.565,*

➡ *and may require the broker to provide a good and sufficient bond in the amount set forth in subsection 1 of NRS 482.345 for each category of vehicle for which services are provided at each place of business and in each county in which the broker is licensed to do business.*

Sec. 25. NRS 482.3333 is hereby amended to read as follows:

482.3333 1. Before a person may be licensed as a broker, he must procure and file with the Department a good and sufficient bond in the amount of ~~[\$50,000]~~ \$100,000 with a corporate surety thereon licensed to do business within the State of Nevada, approved as to form by the Attorney

General, and conditioned that the applicant shall conduct his business as a broker without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter.

2. The Department may ~~[, by agreement with any broker who has been licensed as a broker for 5 years or more, allow a reduction in the amount of the bond if his business has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than \$5,000.~~

~~2.]~~ allow a broker who provides services for more than one category of vehicle described in subsection 1 of NRS 482.345 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.

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

~~{3.}~~ 4. The undertaking on the bond includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by any employee of the licensed broker who acts on behalf of the broker and within the scope of his employment.

~~{4.}~~ 5. The bond must provide that any person injured by the action of the broker or his employee in violation of any provision of this chapter may ~~[bring an action on the bond.]~~ apply to the Director, for good cause shown, for compensation from the bond. The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

6. If a person is injured by the actions of a broker or his employee, the person may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the broker or his employee, the judgment is binding on the surety.

(2) A judgment other than on the merits against the broker or his employee, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the broker or his employee.

(b) Apply to the Director, for good cause shown, for compensation from the bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the broker or his employee. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in

*this State, and submitted to the Director with a request for compensation from the bond. If the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.*

*7. Any judgment entered by a court against a broker or his employee may be executed through a writ of attachment, garnishment, execution or other legal process, or the person in whose favor the judgment was entered may apply to the Director for compensation from the bond of the broker or his employee.*

Sec. 26. NRS 482.3335 is hereby amended to read as follows:

482.3335 1. No broker may intentionally cause to be published, displayed or circulated any advertisement, including any listing in a telephone directory, in which he is represented to be any type of vehicle dealer, unless he has obtained the appropriate license from the Department as provided in this chapter.

*2. A broker may not display, or use in conjunction with any form of advertisement, a vehicle he is not licensed to sell.*

Sec. 27. NRS 482.345 is hereby amended to read as follows:

482.345 1. ~~{Except as otherwise provided in subsection 8, before}~~ Before any dealer's license, dealer's plate, special dealer's plate, rebuilder's license or rebuilder's plate, distributor's license or distributor's plate or manufacturer's license or manufacturer's plate is furnished to a manufacturer, distributor, dealer or rebuilder as provided in this chapter, the Department shall require that the applicant make an application for such a license and plate upon a form to be furnished by the Department, and the applicant shall furnish such information as the Department requires, including proof that the applicant has an established place of business in this State, ~~{and also, except as otherwise provided in subsection 2,}~~ procure and file with the Department a good and sufficient bond ~~{in the amount of \$50,000}~~ with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant *or any employee who acts on his behalf within the scope of his employment* shall conduct his business as a dealer, distributor, manufacturer or rebuilder without breaching a consumer contract or engaging in a deceptive trade practice, fraud or fraudulent representation, and without violation of the provisions of this chapter. ~~{The Department may, by agreement with any dealer, distributor, manufacturer or rebuilder who has been in business for 5 years or more, allow a reduction in the amount of the bond of the dealer, if his business has been conducted satisfactorily for the preceding 5 years, but no bond may be in an amount less than \$5,000.}~~

~~2.—A}~~ *The bond must be:*

*(a) For a manufacturer, distributor, rebuilder or dealer who manufactures, distributes or sells {only motorcycles, horse trailers, tent trailers, utility trailers or trailers designed to carry boats shall file a bond as required by*

~~subsection 1 in the amount of \$5,000 regardless of the length of time he has been in business.] motorcycles, \$50,000.~~

(b) *For a manufacturer, distributor, rebuilder or dealer who sells vehicles other than motorcycles, trailers or travel trailers, \$100,000.*

(c) *For a manufacturer, distributor, rebuilder or dealer who sells travel trailers or other dual purpose trailers that include living quarters in their design, \$100,000.*

(d) *For a manufacturer, distributor, rebuilder or dealer who sells horse trailers designed without living quarters or special purpose trailers with an unladen weight of 3,501 pounds or more, \$50,000.*

(e) *For a manufacturer, distributor, rebuilder or dealer who sells utility trailers or other special use trailers with an unladen weight of 3,500 pounds or less or trailers designed to carry boats, \$10,000.*

2. *The Department may, pursuant to a written agreement with any manufacturer, distributor, rebuilder or dealer who has been licensed to do business in this State for at least 5 years, allow a reduction in the amount of the bond of the manufacturer, distributor, rebuilder or dealer, if his business has been conducted in a manner satisfactory to the Department for the preceding 5 years. No bond may be reduced to less than 50 percent of the bond required pursuant to subsection 1.*

3. *The Department may allow a manufacturer, distributor, rebuilder or dealer who sells more than one category of vehicle as described in subsection 1 at a principal place of business or at any branch location within the same county as the principal place of business to provide a good and sufficient bond for a single category of vehicle and may consider that single bond sufficient coverage to include all other categories of vehicles.*

~~{3-}~~ 4. The bond must be continuous in form, and the total aggregate liability on the bond must be limited to the payment of the total amount of the bond.

~~{4-}~~ 5. The undertaking on the bond includes any breach of a consumer contract, deceptive trade practice, fraud, fraudulent representation or violation of any of the provisions of this chapter by the representative of any licensed distributor or the salesman of any licensed dealer, manufacturer or rebuilder who acts for the dealer, distributor, manufacturer or rebuilder on his behalf and within the scope of the employment of the representative or the salesman.

~~{5-}~~ 6. The bond must provide that any person injured by the action of the dealer, distributor, rebuilder, manufacturer, representative or salesman in violation of any provisions of this chapter may apply to the Director, for good cause shown, ~~{and after notice and opportunity for hearing,}~~ for compensation from the bond. The surety issuing the bond shall appoint the Secretary of State as its agent to accept service of notice or process for the surety in any action upon the bond brought in a court of competent jurisdiction or brought before the Director.

~~{6-}~~ 7. If a person is injured by the actions of a dealer, distributor, rebuilder, manufacturer, representative or salesman, the person may:

(a) Bring and maintain an action in any court of competent jurisdiction. If the court enters:

(1) A judgment on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesman, the judgment is binding on the surety.

(2) A judgment other than on the merits against the dealer, distributor, rebuilder, manufacturer, representative or salesman, including, without limitation, a default judgment, the judgment is binding on the surety only if the surety was given notice and an opportunity to defend at least 20 days before the date on which the judgment was entered against the dealer, distributor, rebuilder, manufacturer, representative or salesman.

(b) Apply to the Director, for good cause shown, ~~[and after notice and opportunity for hearing,]~~ for compensation from the bond. The Director may determine the amount of compensation and the person to whom it is to be paid. The surety shall then make the payment.

(c) Settle the matter with the dealer, distributor, rebuilder, manufacturer, representative or salesman. If such a settlement is made, the settlement must be reduced to writing, signed by both parties and acknowledged before any person authorized to take acknowledgments in this State, and submitted to the Director with a request for compensation from the bond. If ~~[, after notice and opportunity for a hearing,]~~ the Director determines that the settlement was reached in good faith and there is no evidence of collusion or fraud between the parties in reaching the settlement, the surety shall make the payment to the injured person in the amount agreed upon in the settlement.

~~{7-}~~ 8. Any judgment entered by a court against a dealer, distributor, rebuilder, manufacturer, representative or salesman may be executed through a writ of attachment, garnishment, execution or other legal process, or the person in whose favor the judgment was entered may apply to the Director for compensation from the bond of the dealer, distributor, rebuilder, manufacturer, representative or salesman.

~~{8-}~~ 9. ~~The [provisions of this section do not apply to a manufacturer without an established place of business in this State.] Department shall not issue a license or plate pursuant to subsection 1 to a manufacturer, distributor, rebuilder or dealer who does not have and maintain an established place of business in this State.~~

Sec. 28. NRS 482.350 is hereby amended to read as follows:

482.350 1. A new vehicle dealer's license shall not be furnished to any dealer in new vehicles, trailers or semitrailers unless the dealer first furnishes the Department an instrument executed by or on behalf of the manufacturer certifying that he is an authorized franchised dealer for the make or makes of vehicle concerned. New vehicle dealers are authorized to sell at retail only those new vehicles for which they are certified as franchised dealers by the manufacturer.

2. In addition to selling used vehicles, a used vehicle dealer may:

(a) Sell at wholesale a new vehicle ~~to a new or used~~ *taken in trade or acquired as a result of a sales contract to a new vehicle dealer* ~~and~~ *who is licensed and authorized to sell that make of vehicle;*

(b) *Sell at wholesale a new vehicle through a wholesale vehicle auction provided that the wholesale vehicle auctioneer:*

*(1) Does not take an ownership interest in the vehicle; and*

*(2) Auctions the vehicle to a vehicle dealer who is licensed and authorized to sell that make of vehicle or to an automobile wrecker who is licensed in this State or any other state; or*

(c) Sell a new vehicle on consignment from a person not licensed as a vehicle dealer ~~or~~, *rebuilder or a long-term or short-term lessor.*

Sec. 29. NRS 482.352 is hereby amended to read as follows:

482.352 1. The Department may deny the issuance of, suspend or revoke a license to engage in the activities of a manufacturer, distributor, rebuilder or dealer in new or used vehicles or to engage in the leasing of vehicles *in this State* upon any of the following grounds:

(a) Failure of the applicant to have an established place of business in this State.

(b) Conviction of a felony in the State of Nevada or any other state, territory or nation.

(c) Material misstatement in the application.

(d) Evidence of unfitness of the applicant or licensee.

(e) Willful failure to comply with any of the provisions of the motor vehicle laws of the State of Nevada or the directives of the Director. For the purpose of this paragraph, failure to comply with the directives of the Director advising the licensee of his noncompliance with any provision of the motor vehicle laws of this State or regulations of the Department, within 10 days after receipt of the directive, is prima facie evidence of willful failure to comply with the directive.

(f) Failure or refusal to furnish and keep in force any bond.

(g) Failure on the part of the licensee to maintain a fixed place of business in this State.

(h) Failure or refusal by a licensee to pay or otherwise discharge any final judgment against the licensee rendered and entered against him, arising out of the misrepresentation of any vehicle, trailer or semitrailer, or out of any fraud committed in connection with the sale of any vehicle, trailer or semitrailer.

(i) Failure of the licensee to maintain any other license or bond required by any political subdivision of this State.

(j) Allowing an unlicensed salesman to sell or lease any vehicle ~~or~~ *or to act in the capacity of a salesman as defined in this chapter.*

(k) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 3.

(l) Engaging in a deceptive trade practice relating to the purchase and sale or lease of a vehicle.

2. The Director may deny the issuance of a license to an applicant or revoke a license already issued if the Department is satisfied that the applicant or licensee is not entitled thereto.

3. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the activities of a manufacturer, distributor, dealer or rebuilder, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to the authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to the authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 482.318 to 482.363105, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

4. *The Department may adopt regulations establishing additional criteria that may be used to deny, suspend, revoke or refuse to renew a license issued pursuant to this chapter.*

Sec. 30. NRS 482.353 is hereby amended to read as follows:

482.353 1. ~~{The}~~ *Except as otherwise provided in subsection 5, an applicant or licensee may, within 30 days after receipt of the notice of denial, suspension or revocation, petition the Director in writing for a hearing.*

2. Subject to the further requirements of subsection 3, the Director shall make written findings of fact and conclusions and grant or finally deny the application or revoke the license within 15 days after the hearing unless by interim order he extends the time to 30 days after the hearing. If the license has been temporarily suspended, the suspension expires ~~{no}~~ not later than 15 days after the hearing.

3. If the Director finds that the action is necessary in the public interest, upon notice to the licensee, he may temporarily suspend or refuse to renew the license certificate issued to a manufacturer, distributor, dealer, lessor, broker or rebuilder and the special plates issued to a manufacturer, distributor, lessor, rebuilder, broker or dealer for a period not to exceed 30 days. A hearing must be held, and a final decision rendered, within 30 days after notice of the temporary suspension.

4. The Director may issue subpoenas for the attendance of witnesses and the production of evidence.

5. *The provisions of this section do not apply to an applicant for a temporary permit to engage in the activity of a salesman.*

Sec. 31. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesman of vehicles, trailers or semitrailers, or act in the capacity of a salesman as defined in this chapter, in the State of Nevada without first having received a

license *or temporary permit* from the Department. Before issuing a license *or temporary permit* to engage in the activity of a salesman, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesman, his residence address, his social security number and the name and address of his employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of \$75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of \$40.

(e) For initial licensure, the applicant to submit a complete set of his fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary ~~license~~ *permit* to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesman of vehicles, trailers or semitrailers , *or to act in the capacity of a salesman as defined in this chapter*, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesman's license may be denied and a salesman's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that he is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) *Evidence of unfitness as described in NRS 482.3255.*

(g) *Failure of the applicant to provide any information deemed necessary by the Department to process the application.*

(h) Any reason determined by the Director to be in the best interests of the public.

5. ~~[A]~~ *Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesman of vehicles shall not engage in any sales activity , or act in any other capacity as a salesman as defined in this chapter, other than for the account of or for and in behalf of a single*



employer, *at a specified place of business of that employer*, who must be a licensed dealer, lessor or rebuilder.

6. If an application for a salesman's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesman's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom the salesman is licensed to sell vehicles.

8. If a *licensed* salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his license to act as a salesman is automatically suspended and his right to act as a salesman thereupon immediately ceases, and he shall not engage in the activity of a salesman until he has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary ~~license~~ *permit* or a new salesman's license to his employer.

9. If a licensed salesman changes his residential address, he shall submit a written notice of the change to the Department within 10 days after the change occurs.

10. *If a person who holds a temporary permit to act as a salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his permit to act as a salesman is automatically suspended, his right to act as a salesman thereupon immediately ceases and his application for licensure must be denied unless he has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesman's license to his employer.*

11. A licensed dealer, lessor or rebuilder who employs a licensed salesman shall notify the Department of the termination of his employment within 10 days following the date of termination by forwarding the salesman's license to the Department.

~~11.1~~ 12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 32. NRS 482.362 is hereby amended to read as follows:

482.362 1. A person shall not engage in the activity of a salesman of vehicles, trailers or semitrailers , *or act in the capacity of a salesman as defined by this chapter*, in the State of Nevada without first having received a license *or temporary permit* from the Department. Before issuing a license *or temporary permit* to engage in the activity of a salesman, the Department shall require:

(a) An application, signed and verified by the applicant, stating that the applicant is to engage in the activity of a salesman, his residence address, and the name and address of his employer.

(b) Proof of the employment of the applicant by a licensed and bonded vehicle dealer, trailer or semitrailer dealer, lessor or rebuilder at the time the application is filed.

(c) A statement as to whether any previous application of the applicant has been denied or license revoked.

(d) Payment of a nonrefundable license fee of \$75. The license expires on December 31 of each calendar year and may be renewed annually upon the payment of a fee of \$40.

(e) For initial licensure, the applicant to submit a complete set of his fingerprints and written permission authorizing the Department to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(f) Any other information the Department deems necessary.

2. The Department may issue a 60-day temporary ~~license~~ *permit* to an applicant who has submitted an application and paid the required fee.

3. A license to act as a salesman of vehicles, trailers or semitrailers , *or to act in the capacity of a salesman as defined in this chapter*, issued pursuant to this chapter does not permit a person to engage in the business of selling mobile homes.

4. An application for a salesman's license may be denied and a salesman's license may be suspended or revoked upon the following grounds:

(a) Failure of the applicant to establish by proof satisfactory to the Department that he is employed by a licensed and bonded vehicle dealer, trailer dealer or semitrailer dealer, lessor or rebuilder.

(b) Conviction of a felony.

(c) Conviction of a gross misdemeanor.

(d) Conviction of a misdemeanor for violation of any of the provisions of this chapter.

(e) Falsification of the application.

(f) *Evidence of unfitness as described in NRS 482.3255.*

(g) *Failure of the applicant to provide any information deemed necessary by the Department to process the application.*

(h) Any reason determined by the Director to be in the best interests of the public.

5. ~~{A}~~ *Except where a dealer, lessor or rebuilder has multiple branches licensed under NRS 482.326, a salesman of vehicles shall not engage in any sales activity , or act in any other capacity as a salesman as defined in this chapter, other than for the account of or for and in behalf of a single employer, at a specified place of business of that employer, who must be a licensed dealer, lessor or rebuilder.*

6. If an application for a salesman's license has been denied, the applicant may reapply not less than 6 months after the denial.

7. A salesman's license must be posted in a conspicuous place on the premises of the dealer, lessor or rebuilder for whom the salesman is licensed to sell vehicles.

8. If a *licensed* salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his license to act as a salesman is automatically suspended and his right to act as a salesman thereupon immediately ceases, and he shall not engage in the activity of a salesman until he has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary ~~license~~ *permit* or a new salesman's license to his employer.

9. If a licensed salesman changes his residential address, he shall submit a written notice of the change to the Department within 10 days.

10. *If a person who holds a temporary permit to act as a salesman ceases to be employed by a licensed and bonded dealer, lessor or rebuilder, his permit to act as a salesman is automatically suspended, his right to act as a salesman thereupon immediately ceases and his application for licensure must be denied unless he has paid the Department a transfer fee of \$20 and submitted a certificate of employment indicating he has been reemployed by a licensed and bonded dealer, lessor or rebuilder, and has thereafter presented a current temporary permit or a new salesman's license to his employer.*

11. A licensed dealer, lessor or rebuilder who employs a licensed salesman shall notify the Department of the termination of his employment within 10 days following the date of termination by forwarding the salesman's license to the Department.

~~{11.}~~ 12. Any person who fails to comply with the provisions of this section is guilty of a misdemeanor except as otherwise provided in NRS 482.555.

Sec. 33. NRS 482.423 is hereby amended to read as follows:

482.423 1. When a new vehicle is sold in this State for the first time, the seller shall complete and execute a manufacturer's certificate of origin or a manufacturer's statement of origin and, unless the vehicle is sold to a *dealer who is licensed* ~~dealer,~~ *to sell the vehicle*, a dealer's report of sale. The dealer's report of sale must be in a form prescribed by the Department and must include:

- (a) A description of the vehicle;
- (b) The name and address of the seller; and
- (c) The name and address of the buyer.

2. If, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his assignee must be entered on the dealer's report of sale and on the manufacturer's certificate or statement of origin.

3. Unless an extension of time is granted by the Department, the seller shall:

- (a) Collect the fees set forth in NRS 482.429 for:

- (1) A certificate of title for a vehicle registered in this State; and
  - (2) The processing of the dealer's report of sale; and
  - (b) Within 20 days after the execution of the dealer's report of sale:
    - (1) Submit to the Department the original of the dealer's report of sale and the manufacturer's certificate or statement of origin; and
    - (2) Remit to the Department the fees collected pursuant to paragraph (a).
  4. Upon entering into a contract *or other written agreement* for the sale of a new vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:
    - (a) Be in a form prescribed by the Department;
    - (b) Be made of a material appropriate for use on the exterior of a vehicle;
    - (c) Be free from foreign materials and clearly visible from the rear of the vehicle; and
    - (d) Include the date of its expiration.
  5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for a period not to exceed 30 days after the execution of *a written agreement to purchase or the contract* ~~of~~ *of sale, whichever occurs first*. Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.
  6. For the purposes of establishing compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date imprinted or otherwise indicated on the dealer's report of sale as the beginning date of the 20-day period.
  7. Upon execution of all ~~required~~ *the documents necessary* to complete the sale of a vehicle, *including, without limitation, the financial documents*, the dealer shall execute the dealer's report of sale and furnish a copy of the report to the buyer not less than 10 days before the expiration of the temporary placard.
  8. *The provisions of this section do not apply to kit trailers.*
- Sec. 34. NRS 482.4235 is hereby amended to read as follows:
- 482.4235 1. If a new vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and execute a manufacturer's certificate of origin or a manufacturer's statement of origin, and a long-term lessor's report of lease. Such a report must be in a form prescribed by the Department and must include:
- (a) A description of the vehicle; and
  - (b) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.
2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 20 days after the execution of the long-term lessor's report of lease:

(a) Submit to the Department the original of the long-term lessor's report of lease and the manufacturer's certificate of origin or manufacturer's statement of origin; and

(b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease *or written agreement to lease* for a new vehicle, the ~~seller~~ *long-term lessor* shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

- (a) Be in a form prescribed by the Department;
- (b) Be made of a material appropriate for use on the exterior of a vehicle;
- (c) Be free from foreign materials and clearly visible from the rear of the vehicle; and
- (d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of *a written agreement to lease or the lease* ~~[-]~~ *, whichever occurs first*. Upon issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. For the purposes of establishing compliance with the period required by subsection 2, the Department shall use the date imprinted or otherwise indicated on the long-term lessor's report of lease as the beginning date of the 20-day period.

6. Upon executing all *the* documents necessary to complete the lease of the vehicle, *including, without limitation, the financial documents*, the long-term lessor shall execute the long-term lessor's report of lease and furnish a copy of the report to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 35. NRS 482.424 is hereby amended to read as follows:

482.424 1. When a used or rebuilt vehicle is sold in this State to any person, except a licensed dealer, by a dealer, rebuilder, long-term lessor or short-term lessor, the seller shall complete and execute a dealer's or rebuilder's report of sale. The dealer's or rebuilder's report of sale must be in a form prescribed by the Department and must include:

- (a) A description of the vehicle, including whether it is a rebuilt vehicle;
- (b) The name and address of the seller; and
- (c) The name and address of the buyer.

2. If a security interest exists at the time of the sale, or if in connection with the sale a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party must be entered on the dealer's or rebuilder's report of sale.

3. Unless an extension of time is granted by the Department, the seller shall:

(a) Collect the fees set forth in NRS 482.429 for:

- (1) A certificate of title for a vehicle registered in this State; and
- (2) The processing of the dealer's or rebuilder's report of sale; and

(b) Within 30 days after the execution of the dealer's or rebuilder's report of sale:

(1) Submit to the Department the original of the dealer's or rebuilder's report of sale and the properly endorsed certificate of title previously issued for the vehicle; and

(2) Remit to the Department the fees collected pursuant to paragraph (a).

4. Upon entering into a contract *or other written agreement* for the sale of a used or rebuilt vehicle, the seller shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

- (a) Be in a form prescribed by the Department;
- (b) Be made of a material appropriate for use on the exterior of a vehicle;
- (c) Be free from foreign materials and clearly visible from the rear of the vehicle; and
- (d) Include the date of its expiration.

5. Compliance with the requirements of subsection 4 permits the vehicle to be operated for not more than 30 days after the execution of *a written agreement to purchase or the contract* ~~[-]~~ *of sale, whichever occurs first*. Upon the issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the buyer shall remove the temporary placard from the rear of the vehicle.

6. To establish compliance with the period required by paragraph (b) of subsection 3, the Department shall use the date imprinted or otherwise indicated on the dealer's or rebuilder's report of sale as the beginning date of the 30-day period.

7. Upon executing all *the* documents necessary to complete the sale of the vehicle, *including, without limitation, the financial documents*, the seller shall execute the dealer's or rebuilder's report of sale and furnish a copy of the report to the buyer not less than 10 days before the expiration of the temporary placard.

Sec. 36. NRS 482.4245 is hereby amended to read as follows:

482.4245 1. If a used or rebuilt vehicle is leased in this State by a long-term lessor, the long-term lessor shall complete and execute a long-term lessor's report of lease. Such a report must be in a form prescribed by the Department and must include:

- (a) A description of the vehicle;
- (b) An indication as to whether the vehicle is a rebuilt vehicle; and
- (c) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the vehicle.

2. Unless an extension of time is granted by the Department, the long-term lessor shall, within 30 days after the execution of the long-term lessor's report of lease:

(a) Submit to the Department the original of the long-term lessor's report of lease and the properly endorsed certificate of title previously issued for the vehicle; and

(b) Collect and remit to the Department the fee set forth in NRS 482.429 for the processing of the long-term lessor's report of lease.

3. Upon entering into a lease *or written agreement to lease* for a used or rebuilt vehicle, the ~~seller~~ *long-term lessor* shall affix a temporary placard to the rear of the vehicle. Only one temporary placard may be issued for the vehicle. The temporary placard must:

(a) Be in a form prescribed by the Department;

(b) Be made of a material appropriate for use on the exterior of a vehicle;

(c) Be free from foreign materials and clearly visible from the rear of the vehicle; and

(d) Include the date of its expiration.

4. Compliance with the requirements of subsection 3 permits the vehicle to be operated for a period not to exceed 30 days after the execution of *a written agreement to lease or the lease* ~~[-]~~, *whichever comes first*. Upon issuance of the certificate of registration and license plates for the vehicle or the expiration of the temporary placard, whichever occurs first, the long-term lessee shall remove the temporary placard from the rear of the vehicle.

5. To establish compliance with the period required by subsection 2, the Department shall use the date imprinted or otherwise indicated on the long-term lessor's report of lease as the beginning date of the 30-day period.

6. Upon executing all *the* documents necessary to complete the lease of the vehicle, *including, without limitation, the financial documents*, the long-term lessor shall execute the long-term lessor's report of lease and furnish a copy of the report to the long-term lessee not less than 10 days before the expiration of the temporary placard.

Sec. 37. NRS 482.436 is hereby amended to read as follows:

482.436 Any person is guilty of a gross misdemeanor who knowingly:

1. Makes *or causes to be made* any false entry on any certificate of origin or certificate of title;

2. Furnishes *or causes to be furnished* false information to the Department concerning any security interest; or

3. Fails to submit *or causes to not be submitted* the original of the dealer's or ~~rebuilder's~~ *long-term lessor's* report of sale ~~[-]~~ *or lease, together with the certificate of title or certificate of ownership issued for a used* ~~[-]~~ *or rebuilt* vehicle to the Department within the time prescribed in subsection 3 of NRS 482.424 ~~[-]~~ *or, if a leased vehicle, subsection 2 of NRS 482.4235.*

Sec. 38. NRS 482.516 is hereby amended to read as follows:

482.516 1. Any provision in any security agreement for the sale *or lease* of a vehicle to the contrary notwithstanding, at least 10 days' written notice of intent to sell *or again lease* a repossessed vehicle must be given to all persons liable on the security agreement. The notice must be given in person or sent by mail directed to the address of the persons shown on the security agreement, unless such persons have notified the holder in writing of a different address.

2. The notice:

(a) Must set forth that there is a right to redeem the vehicle and the total amount required as of the date of the notice to redeem;

(b) May inform such persons of their privilege of reinstatement of the security agreement, if the holder extends such a privilege;

(c) Must give notice of the holder's intent to resell *or again lease* the vehicle at the expiration of 10 days from the date of giving or mailing the notice;

(d) Must disclose the place at which the vehicle will be returned to the buyer *or lessee* upon redemption or reinstatement; and

(e) Must designate the name and address of the person to whom payment must be made.

3. During the period provided under the notice, the person or persons liable on the security agreement may pay in full the indebtedness evidenced by the security agreement. Such persons are liable for any deficiency after sale *or lease* of the repossessed vehicle only if the notice prescribed by this section is given within 60 days after repossession and includes an itemization of the balance and of any costs or fees for delinquency, collection or repossession. In addition, the notice must either set forth the computation or estimate of the amount of any credit for unearned finance charges or cancelled insurance as of the date of the notice or state that such a credit may be available against the amount due.

Sec. 39. NRS 482.545 is hereby amended to read as follows:

482.545 It is unlawful for any person to commit any of the following acts:

1. To operate, or for the owner thereof knowingly to permit the operation of, upon a highway any motor vehicle, trailer or semitrailer which is not registered or which does not have attached thereto and displayed thereon the number of plate or plates assigned thereto by the Department for the current period of registration or calendar year, subject to the exemption allowed in NRS 482.316 to 482.3175, inclusive, 482.320 to 482.363, inclusive, 482.385 to 482.3965, inclusive, and 482.420.

2. To display, cause or permit to be displayed or to have in possession any certificate of registration, license plate, certificate of title, *temporary placard, movement permit* or other document of title knowing it to be fictitious or to have been cancelled, revoked, suspended or altered.



3. To lend to , or knowingly permit the use of by , one not entitled thereto any registration card , ~~{or}~~ plate , *temporary placard or movement permit* issued to the person so lending or permitting the use thereof.

4. To fail or to refuse to surrender to the Department, upon demand, any registration card or plate which has been suspended, cancelled or revoked as provided in this chapter.

5. To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in an application. A violation of this subsection is a gross misdemeanor.

6. Knowingly to operate a vehicle which:

(a) Has an altered identification number or mark; or

(b) Contains a part which has an altered identification number or mark.

Sec. 40. NRS 482.555 is hereby amended to read as follows:

482.555 In addition to any other penalty provided by this chapter:

1. It is a gross misdemeanor for any person knowingly to falsify:

(a) A dealer's or rebuilder's report of sale, as described in NRS 482.423 and 482.424; ~~{or}~~

(b) An application or document to obtain any ~~{~~:

~~(1) License;~~

~~(2) Permit; or~~

~~(3) Certificate of title;~~

~~↔} license, permit, certificate of title or vehicle registration issued under the provisions of this chapter ~~{~~ ; or~~

~~(c) An application or document to obtain a salvage title or nonrepairable vehicle certificate as defined in chapter 487 of NRS.~~

2. It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this section or other provision of this chapter or other law of this State declared to be a gross misdemeanor or a felony.

Sec. 41. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 42 and 43 of this act.

Sec. 42. 1. *A school for training drivers or a third-party certifier provided for by regulation shall ensure that each vehicle used for training drivers and operated on a highway is inspected annually.*

2. *The school for training drivers or the third-party certifier shall provide to the Department, within 30 days of the inspection or by December 31 of each calendar year, whichever comes first, the results of the inspection regarding the safety and road worthiness of the vehicles inspected pursuant to subsection 1.*

3. *The Department shall adopt regulations setting forth:*

*(a) The persons qualified to conduct the inspection; and*

*(b) The standards with which the inspection must comply.*

4. *The owner of the school for training drivers or the third-party certifier shall maintain a copy of the inspection at his principal place of business for 3 years after the inspection is completed.*

Sec. 43. 1. *The Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 483.700 to 483.780, inclusive, and section 42 of this act, or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*

2. *All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.*

3. *In addition to any other remedy provided by NRS 483.700 to 483.780, inclusive, and section 42 of this act, the Department may compel compliance with any provision of NRS 483.700 to 483.780, inclusive, and section 42 of this act, and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.*

Sec. 44. NRS 483.730 is hereby amended to read as follows:

483.730 1. The Department shall issue a license to operate a school for training drivers or to act as an instructor for such a school, if the Department is satisfied that the applicant has met the qualifications required by NRS 483.700 to 483.780, inclusive ~~[ ]~~, and sections 42 and 43 of this act.

2. The license is valid for ~~{5 years}~~ 1 year after the date of issuance, unless cancelled, suspended or revoked by the Department and, except as otherwise provided in subsection 3, may be renewed subject to the same conditions as the original license, except that an operator of or instructor for a school for training drivers is not required to comply with the provisions of NRS 483.7205 for the renewal of his license.

3. Except as otherwise provided in subsection 4, the Department may renew the license of an instructor of a school for training drivers if, when he submits his application for the renewal of his license, he provides evidence satisfactory to the Department that, during the period of the license, he completed training of a type and in an amount prescribed by the Department by regulation.

4. The provisions of subsection 3 do not apply to an instructor who provides instruction solely to applicants for commercial drivers' licenses.

Sec. 45. NRS 484.6061 is hereby amended to read as follows:

484.6061 1. It is unlawful for any person to *display or* advertise for sale, to sell, to use, to install or to have installed any device which causes an odometer to register any mileage other than the true mileage driven.

2. For purposes of this section, the true mileage driven is that mileage traveled by the vehicle, as registered by the odometer, within the manufacturer's designed tolerance for such odometer.

Sec. 46. NRS 484.6063 is hereby amended to read as follows:

484.6063 It is unlawful for any person, with the intent to defraud, to operate , *or to cause or allow to be operated*, a motor vehicle on any highway of this State knowing that the odometer of such vehicle is disconnected or nonfunctional ~~[ ]~~ *or has been altered to no longer reflect the true mileage driven.*

Sec. 47. NRS 484.6067 is hereby amended to read as follows:

484.6067 1. A person is guilty of a ~~[gross misdemeanor]~~ *category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment*, if he knowingly sells a motor vehicle whose odometer has been altered for the purpose of fraud.

2. Except as *otherwise* provided in subsection 1, any person who violates the provisions of NRS 484.606 to 484.6069, inclusive, is guilty of a misdemeanor.

Sec. 48. NRS 484.6068 is hereby amended to read as follows:

484.6068 Any person who, with an intent to defraud, violates any requirement imposed by NRS 484.606 to 484.6069, inclusive, is liable to the person harmed by such act or acts, in an amount equal to the sum of:

1. Three times the amount of actual damages sustained by the person harmed or ~~[\$1,500,]~~ \$2,500, whichever is greater; and

2. If the action of the person harmed is successful in enforcing the liability imposed by subsection 1, the costs of the action together with reasonable attorney's fees, as determined by the court.

Sec. 49. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 50, 51 and 52 of this act.

Sec. 50. *As used in NRS 487.050 to 487.200, inclusive, and sections 50, 51 and 52 of this act, unless the context otherwise requires, "automobile wrecker" or "wrecker" means a person who obtains a license to dismantle, scrap, process or wreck any vehicle, including, without limitation, wrecked, salvage, nonrepairable, abandoned and junk vehicles, which includes, without limitation, removing or selling an individual part or parts of such a vehicle or crushing, shredding or dismantling such a vehicle to be disposed of as scrap metal.*

Sec. 51. *Evidence of unfitness of an applicant , registrant or ~~an~~ licensee for purposes of denial, suspension or revocation of or failure to renew a license or registration as an automobile wrecker, operator of a salvage pool, garageman or owner of a body shop may consist of, but is not limited to, the applicant , registrant or licensee:*

1. *Purchasing, selling, dismantling, disposing of or having in his possession any vehicle which he knows, or a reasonable person should know, is stolen or otherwise illegally appropriated.*

2. *Being the former holder of\_ or being a partner, officer, director, owner or manager involved in management decisions of\_ an automobile*

wrecker ~~which~~ that held a license issued pursuant to this chapter ~~[487 of NRS]~~ which was revoked for cause and never reissued or was suspended upon terms which were never fulfilled.

3. Defrauding or attempting to defraud the State or a political subdivision of the State of any taxes or fees in connection with the sale or transfer of a vehicle.

4. Forging the signature of the registered or legal owner of an abandoned vehicle on any document that releases the interest of the owner in the abandoned vehicle.

5. Forging the signature of the registered or legal owner of a vehicle on a certificate of title or other document to obtain or transfer ownership in that vehicle.

6. Willfully failing to deliver to a purchaser a salvage title to a vehicle that the applicant, registrant or licensee has sold.

7. Refusing to allow ~~any~~ any peace officer or agent of ~~the Department~~ a state agency to inspect, during normal business hours, all books, records and files of the ~~dealership~~ applicant, registrant or licensee which are maintained within the State.

8. Committing any fraud which includes, without limitation:

(a) Misrepresenting in any manner, whether intentional or grossly negligent, a material fact.

(b) Intentionally failing to disclose a material fact.

9. Willfully failing to comply with any regulation adopted by the Department.

Sec. 52. 1. Whenever an entire salvage vehicle is sold to any person by a licensed automobile wrecker, the automobile wrecker shall deliver a ~~legal~~ properly endorsed salvage title to the buyer ~~for~~ for such an entire salvage vehicle.

2. A salvage vehicle ~~which is partially dismantled is~~ shall be deemed an entire salvage vehicle ~~if~~ :

(a) If all the following components are included and identifiable as coming from the same vehicle:

~~(a)~~ (1) The cowl assembly;

~~(b)~~ (2) The floor pan assembly;

~~(c)~~ (3) The passenger compartment;

~~(d)~~ (4) The rear clip assembly; and

~~(e)~~ (5) The roof assembly; and

~~(f) One of the following:~~

(b) In addition to the essential components required pursuant to paragraph (a):

(1) ~~If~~ If the salvage vehicle was manufactured with a conventional frame ~~coupled with one additional major component,~~ , the conventional frame is included and identifiable as coming from the same salvage vehicle;

(2) If the salvage vehicle was manufactured with a unibody, the complete front inner structure ~~for or~~ is included and identifiable as coming from the same salvage vehicle;

(3) If the salvage vehicle is a truck ~~for~~ which was manufactured with a conventional frame, the conventional frame and the truck cab assembly ~~for~~ are included and identifiable as coming from the same salvage vehicle; and

(4) If the salvage vehicle is a truck which was manufactured with a unibody, the complete front inner structure and the truck cab assembly are included and identifiable as coming from the same salvage vehicle.

3. A salvage vehicle that does not ~~include any one of the components listed in~~ satisfy the requirements of subsection 2 is deemed a part or parts of an entire salvage vehicle.

~~4. As used in this section, "entire salvage vehicle" means a vehicle which is in one piece and includes all of its components as listed in subsection 2.~~

Sec. 53. NRS 487.160 is hereby amended to read as follows:

487.160 1. The Department ~~[, after notice and hearing,]~~ may suspend, revoke or refuse to renew a license of an automobile wrecker upon determining that the automobile wrecker:

- (a) Is not lawfully entitled thereto;
- (b) Has made, or knowingly or negligently permitted, any illegal use of that license;
- (c) Has failed to return a salvage title to the state agency when and as required of him by NRS 487.710 to 487.890, inclusive; or
- (d) Has failed to surrender to the state agency certificates of title for vehicles before beginning to dismantle or wreck the vehicles.

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal, suspension or revocation, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. The Department may suspend, revoke or refuse to renew a license of an automobile wrecker, or *may* deny a license to an applicant therefor, *for any reason determined by the Director to be in the best interest of the public,* or if the licensee or applicant:

- (a) Does not have or maintain an established place of business in this State.
- (b) Made a material misstatement in any application.
- (c) Willfully fails to comply with any applicable provision of this chapter.
- (d) Fails to furnish and keep in force any bond required by NRS 487.050 to 487.200, inclusive.

(e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation of a vehicle, trailer or semitrailer.

(f) Fails to maintain any license or bond required by a political subdivision of this State.

(g) Has been convicted of a felony.

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 7.

*(j) Knowingly submits or causes to be submitted any false, forged or otherwise fraudulent document to the Department to obtain a lien, title, salvage title or certificate of ownership, or any duplicate thereof, for a vehicle.*

*(k) Knowingly causes or allows a false, forged or otherwise fraudulent document to be maintained as a record of his business.*

*(l) Interferes with or refuses to allow an agent of the Department or any peace officer access to and, upon demand, the opportunity to examine any record held in conjunction with the operation of the wrecker.*

*(m) Displays evidence of unfitness for a license pursuant to section 51 of this act.*

5. If an application for a license as an automobile wrecker is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

6. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of this chapter.

7. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy any financial obligation related to the business of dismantling, scrapping, processing or wrecking of vehicles, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.050 to 487.200, inclusive, *and sections 50, 51 and 52 of this act* or to determine the suitability of an applicant or a licensee for such licensure.

8. For the purposes of this section, failure to adhere to the directives of the state agency advising the licensee of his noncompliance with any provision of NRS 487.050 to 487.200, inclusive, *and sections 50, 51 and 52 of this act* or NRS 487.710 to 487.890, inclusive, or regulations of the state agency, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

Sec. 54. NRS 487.170 is hereby amended to read as follows:

487.170 Every licensed automobile wrecker, rebuilder or scrap processor shall maintain a record of all vehicles *acquired and processed, junked, dismantled* ~~[or wrecked, which contains the name and]~~ , wrecked, sold as a part or parts or disposed of as scrap metal. The records must be open to inspection during business hours by any peace officer or investigator of the state agency. Every vehicle record must contain:

1. The name, address and original signature of the person from whom the vehicle was ~~[purchased or acquired and the date thereof, the]~~ acquired, until such time as the original signature is submitted to the Department, at which time the record must contain a duplicate of the signature;

2. The date the vehicle was acquired;

3. How the vehicle was acquired by the wrecker, rebuilder or scrap processor;

4. The registration number last assigned to the vehicle ; and ~~[a]~~

5. A brief description of the vehicle, including, insofar as the data may exist with respect to a given vehicle, the make, type, serial number and motor number, or any other number of the vehicle. ~~[The record must be open to inspection during business hours by any peace officer or investigator of the state agency.]~~

Sec. 55. NRS 487.200 is hereby amended to read as follows:

487.200 Any person who violates any of the provisions of NRS 487.050 to 487.200, inclusive, *and sections 50, 51 and 52 of this act* is guilty of a misdemeanor.

Sec. 56. NRS 487.260 is hereby amended to read as follows:

487.260 1. If the vehicle is appraised at a value of more than \$500 , the state agency or political subdivision shall dispose of it as provided in NRS 487.270.

2. If the vehicle is appraised as a junk vehicle, the Department may issue a junk certificate to the automobile wrecker or tow operator who removed the vehicle.

3. An automobile wrecker who possesses a junk certificate for a junk vehicle may dismantle, scrap, crush or otherwise destroy the vehicle.

4. A vehicle for which a junk certificate has been issued may be sold to an automobile wrecker by the person to whom the junk certificate was issued by the seller's endorsement on the certificate. An automobile wrecker who purchases a vehicle for which a junk certificate has been issued *shall immediately affix ~~this~~ the business name of the automobile wrecker as purchaser to the first available space provided on the reverse side of the certificate. For the purposes of this subsection, such an automobile wrecker is the owner of the junk vehicle.*

5. *If insufficient space exists on the reverse side of a junk certificate to transfer the vehicle pursuant to subsection 4, ~~for~~ an automobile wrecker who purchases a junk vehicle for which a junk certificate has been previously issued shall, within 10 days after purchase, apply to the Department for a new junk certificate and surrender the original certificate.*

~~{5-}~~ 6. A person who sells, dismantles, scraps, crushes or otherwise destroys a junk vehicle shall maintain, for at least 2 years, a copy of the junk certificate and a record of the name and address of the person from whom the vehicle was acquired and the date thereof. He shall allow any peace officer or any investigator employed by a state agency to inspect the records during business hours.

~~{6-}~~ 7. As used in this section, "junk vehicle" means a vehicle, including component parts, which:

- (a) Has been discarded or abandoned;
- (b) Has been ruined, wrecked, dismantled or rendered inoperative;
- (c) Is unfit for further use in accordance with the original purpose for which it was constructed;
- (d) Is not registered with the Department or has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250; and
- (e) Has value principally as scrap which does not exceed \$200.

Sec. 57. NRS 487.490 is hereby amended to read as follows:

487.490 1. The Department may refuse to issue a license or ~~{, after notice and hearing,}~~ may suspend, revoke or refuse to renew a license of an operator of a salvage pool upon determining that the operator:

- (a) Is not lawfully entitled to the license;
- (b) Has made, or knowingly or negligently permitted, any illegal use of that license;
- (c) Made a material misstatement in any application;
- (d) Willfully fails to comply with any provision of NRS 487.400 to 487.510, inclusive;
- (e) Fails to discharge any final judgment entered against him when the judgment arises out of any misrepresentation regarding a vehicle;
- (f ) Fails to maintain any license or bond required by a political subdivision of this State;
- (g) Has been convicted of a felony;
- (h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter; ~~{or}~~
- (i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 6 ~~{-}~~; or

*(j) Displays evidence of unfitness for a license pursuant to section 51 of this act.*

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal to grant or renew or the suspension or revocation of a license, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.



4. If an application for a license as an operator of a salvage pool is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

5. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of NRS 487.400 to 487.510, inclusive.

6. Upon the receipt of any report or complaint that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a salvage pool, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.400 to 487.510, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

7. For the purposes of this section, the failure to adhere to the directives of the Department advising the licensee of his noncompliance with any provision of NRS 487.400 to 487.510, inclusive, or regulations of the Department, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

Sec. 58. NRS 487.540 is hereby amended to read as follows:

487.540 1. "Garage" means a business establishment, sole proprietorship, firm, corporation, association or other legal entity that performs any of the following services on motor vehicles:

(a) Repair or *replacement* of the:

- (1) Engine;
- (2) Brake system;
- (3) Transmission system;
- (4) Drivetrain system;
- (5) Heating and air-conditioning system;
- (6) Cooling system; ~~for~~
- (7) Muffler and exhaust system;
- (8) *Electrical system*;
- (9) *Electrical charging system*; or
- (10) *Fuel injection or carburetion system*;

(b) Engine tune up;

(c) Diagnostic testing;

(d) Alignment; or

(e) Oil change and lubrication.

2. "Garage" does not include a business establishment, sole proprietorship, firm, corporation, association or other legal entity that does not perform services on motor vehicles for members of the general public.

Sec. 59. NRS 487.550 is hereby amended to read as follows:

487.550 "Motor vehicle" means:

1. A passenger car as defined in NRS 482.087;
2. A mini motor home as defined in NRS 482.066;
3. A motor home as defined in NRS 482.071;
4. A recreational vehicle as defined in NRS 482.101; ~~and~~
5. A motortruck as defined in NRS 482.073 if the gross weight of the vehicle is 10,000 pounds or less ~~[-]~~ ;
6. *A motorcycle as defined in NRS 482.070; and*
7. *A trimobile as defined in NRS 482.129.*

Sec. 60. NRS 487.563 is hereby amended to read as follows:

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

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

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

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

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

4. If a claim is arbitrated pursuant to the provisions of this section, the proceedings for arbitration must be conducted in accordance with the provisions of NRS 38.206 to 38.248, inclusive.

5. If a person:

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

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

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

6. If a person fails to comply with an order of a court that relates to the repair of a motor vehicle, *or fails to pay or otherwise discharge any final judgment rendered and entered against him or any court order issued and arising out of the repair of a motor vehicle in the operation of a garage*, the Department shall ~~[-after notice and hearing,-]~~ revoke or refuse to renew the certificate of registration of the person who failed to comply with the order ~~[-]~~ *or satisfy the judgment.*

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

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

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

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

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

8. *A garageman whose registration has been revoked pursuant to the provisions of subsection 6 shall furnish to the Department a bond in the amount specified in subsection 1 prior to reinstatement of his garage registration.*

Sec. 61. NRS 487.564 is hereby amended to read as follows:

487.564 1. The Department may refuse to issue a registration or ~~[-after notice and hearing,-]~~ may suspend, revoke or refuse to renew a registration to operate a garage upon any of the following grounds:

(a) A false statement of a material fact in a certification for a salvage vehicle required pursuant to NRS 487.800.

(b) A false statement or certification for an inspection pursuant to NRS 487.800 which attests to the mechanical fitness or safety of a salvage vehicle.

(c) *Evidence of unfitness of the applicant or registrant pursuant to section 51 of this act.*

(d) *A violation of any regulation adopted by the Department governing the operation of a garage.*

(e) *A violation of any statute or regulation that constitutes fraud in conjunction with the repair of a motor vehicle or operation of a garage.*

2. *A person for whom a certificate of registration has been suspended or revoked pursuant to the provisions of this section, subsection 6 of*

*NRS 487.563 or similar provisions of the laws of any other state or territory of the United States shall not be employed by, or in any manner affiliated with, the operation of a garage subject to registration in this State.*

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 62. NRS 487.650 is hereby amended to read as follows:

487.650 1. The Department may refuse to issue a license or ~~[-after notice and hearing,]~~ may suspend, revoke or refuse to renew a license to operate a body shop upon any of the following grounds:

(a) Failure of the applicant or licensee to have or maintain an established place of business in this State.

(b) Conviction of the applicant or licensee or an employee of the applicant or licensee of a felony, or of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(c) Any material misstatement in the application for the license.

(d) Willful failure of the applicant or licensee to comply with the motor vehicle laws of this State and NRS 487.035, 487.610 to 487.690, inclusive, or 597.480 to 597.590, inclusive.

(e) Failure or refusal by the licensee to pay or otherwise discharge any final judgment against him arising out of the operation of the body shop.

(f) Failure or refusal to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 2.

(g) A finding of guilt by a court of competent jurisdiction in a case involving a fraudulent inspection, purchase, sale or transfer of a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(h) An improper, careless or negligent inspection of a salvage vehicle pursuant to NRS 487.800 by the applicant or licensee or an employee of the applicant or licensee.

(i) A false statement of material fact in a certification of a salvage vehicle pursuant to NRS 487.800 or a record regarding a salvage vehicle by the applicant or licensee or an employee of the applicant or licensee.

(j) *A display of evidence of unfitness for a license pursuant to section 51 of this act.*

2. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy financial obligations related to the operation of a body shop, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an

applicant pursuant to NRS 487.610 to 487.690, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

3. As used in this section, "salvage vehicle" has the meaning ascribed to it in NRS 487.770.

Sec. 63. NRS 487.860 is hereby amended to read as follows:

487.860 1. Except with respect to a nonrepairable vehicle, a vehicle for which a salvage title has been issued may not subsequently be registered until it has been inspected by a garageman who operates a garage that is registered pursuant to NRS 487.560 , ~~or~~ by the owner of a body shop licensed pursuant to NRS 487.630 , *by a rebuilder licensed pursuant to NRS 482.325* or by ~~an~~ *a qualified* employee of such a garage , ~~or~~ body shop *or rebuilder*, and is certified to be in a safe mechanical condition and equipped with all safety equipment required by the manufacturer.

2. If a garageman ~~or~~ , *an* owner of a body shop ~~, or an~~ *or a rebuilder*, *or a qualified* employee thereof, who performs an inspection pursuant to subsection 1 finds the vehicle to be in a safe mechanical condition and equipped with all safety equipment required by the manufacturer, the garageman, owner *of a body shop, rebuilder or qualified* employee shall complete and sign a certificate of inspection, on a form prescribed by the state agency, attesting to the mechanical fitness and safety of the vehicle and to any mechanical or other work that was performed on the vehicle at the garage or body shop. The certificate of inspection must indicate that the motor vehicle has been repaired to the standards of the manufacturer and any safety equipment, including, without limitation, any occupant restraint devices, that were present in the vehicle at the time the vehicle was manufactured are present and operational to the specifications of the manufacturer.

Sec. 64. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 65 and 66 of this act.

Sec. 65. *Any person is guilty of a gross misdemeanor who knowingly:*

1. *Makes or causes to be made a false entry on any affidavit of lien sale or on any lien sale registration certificate for a motor vehicle;*

2. *Makes or causes to be made a false entry on a certificate of title as to ownership or any security interest that may exist in a motor vehicle;*

3. *Fails to disclose any information which would indicate that a vehicle sold or offered for sale is or should be considered a salvage or nonrepairable vehicle; or*

4. *Falsifies or causes to be falsified an application or other document submitted to the Department of Motor Vehicles to obtain:*

(a) *A certificate of title or ownership; or*

(b) *A salvage title or a certificate which indicates that the vehicle is nonrepairable as defined in chapter 487 of NRS.*

Sec. 66. *Except as otherwise provided in section 65 of this act, a person who violates any provision of NRS 108.265 to 108.360, inclusive, is guilty of a misdemeanor.*

Sec. 67. NRS 445B.775 is hereby amended to read as follows:

445B.775 The regulations adopted *by the Commission* pursuant to NRS 445B.770 must establish requirements by which the Department of Motor Vehicles may license:

1. Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles. The regulations adopted *by the Commission* pursuant to NRS 445B.770 must provide that a facility licensed as an authorized inspection station:

(a) Except as otherwise provided in paragraph (b), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(b) May perform the following activities in connection with a motor vehicle:

(1) The changing of oil;

(2) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(3) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

2. Authorized maintenance stations, including criteria by which any person may become qualified to install, repair and adjust devices for the control of emissions for motor vehicles.

3. Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.

Sec. 68. NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The Department of Motor Vehicles shall , *in cooperation with the Commission*, adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized maintenance stations, authorized stations and fleet stations. The regulations adopted ~~[by the Department of Motor Vehicles]~~ pursuant to this paragraph must provide that a facility licensed as an authorized inspection station:

(1) Except as otherwise provided in subparagraph (2), may not, unless specifically authorized by the Commission, install, repair, diagnose or adjust any component or system of a motor vehicle that affects exhaust emissions.

(2) May perform the following activities in connection with a motor vehicle:

(I) The changing of oil;

(II) The replacing of an oil filter, air filter, fuel filter, belt or hose; and

(III) The servicing of a fuel injection system using methods approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that ~~the~~ :

(1) *The equipment complies with any applicable standards of the United States Environmental Protection Agency* ~~[-]~~ ; and

(2) *Use of the equipment is specifically authorized by the Commission.*

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The Department of Motor Vehicles shall issue a copy of the regulations to each authorized inspection station, authorized maintenance station, authorized station and fleet station.

Sec. 69. NRS 445B.800 is hereby amended to read as follows:

445B.800 1. Subject to any applicable limitation of NRS 445B.700 to 445B.815, inclusive, and any regulation adopted pursuant thereto, no used motor vehicle which requires inspection pursuant to the regulations adopted by the Commission under NRS 445B.770 may be registered unless the application for registration is accompanied by evidence of compliance issued by any authorized inspection station, authorized station or fleet station certifying that the vehicle is equipped with devices for the control of pollution from motor vehicles required by federal regulation or such other requirements as the Commission may by regulation prescribe under the provisions of NRS 445B.700 to 445B.845, inclusive.

2. If:

(a) A seller of a used vehicle is required to complete a dealer's report of sale pursuant to the provisions of NRS 482.424; or

(b) A long-term lessor of a used vehicle is required to complete a long-term lessor's report of lease pursuant to the provisions of NRS 482.4245,

➡ the seller or long-term lessor shall also provide the buyer or long-term lessee with any evidence of compliance required pursuant to subsection 1 ~~[-]~~, and shall deliver that evidence of compliance to a used vehicle buyer together with the dealer's report of sale issued pursuant to NRS 482.424 or 482.4245, indicating that the used vehicle purchased or leased meets the engine emission standards for the year, make and model of the used vehicle as established by regulation pursuant to NRS 445B.770.

3. A seller or long-term lessor of a used vehicle is not entitled to a waiver of the provisions of subsection 2.

4. The requirements of this section apply only:

(a) To passenger cars and light-duty motor vehicles which use diesel fuel and are based in a county whose population is 100,000 or more; and

(b) In counties where a program of inspecting and testing motor vehicles and systems for the control of emissions from motor vehicles has been implemented pursuant to NRS 445B.770.

Sec. 70. NRS 482.321 is hereby repealed.

Sec. 71. Any license plate issued pursuant to NRS 482.321 expires on the date of expiration for that plate or January 1, 2008, whichever comes first and may not be renewed thereafter.

Sec. 72. 1. This section and sections 1 to 6, inclusive, 8 to 16, inclusive, 17, 20 to 23, inclusive, 26, 28 to 31, inclusive, 33 to 41, inclusive, and 43 to 69, inclusive, of this act become effective on July 1, 2007.

2. Sections 7, 16.5, 18, 19, 24, 25, 27, 42, 70 and 71 of this act become effective on January 1, 2008.

3. Sections 17 and 31 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.

4. Section 32 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

#### TEXT OF REPEALED SECTION

482.321 Registration of certain number of vehicles without payment of governmental services tax; payment of governmental services tax by purchaser; payment of fees for registration and governmental services tax by transferee; exceptions.

1. Any dealer in vehicles in this State qualified to receive a dealer's license is entitled to register in his name not more than 12 vehicles upon payment of the fees for registration and licensing as provided in this chapter. The dealer is not subject to the payment of governmental services taxes on the registrations of those vehicles.

2. Vehicles so registered are subject to the payment of governmental services taxes by the purchaser from the dealer at the time of their transfer to the purchaser.



3. The transferee of the vehicle is required to pay the fees for registration and governmental services taxes before he is entitled to a transfer of the registration and title in his name. The transferee shall apply for registration as provided in NRS 482.215.

4. This section does not apply to work or service vehicles.

Senator Nolan moved that the Senate concur in the Assembly amendment to Senate Bill No. 452.

Remarks by Senator Nolan.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senator Raggio moved that the Senate recess until 1 p.m.

Motion carried.

Senate in recess at 12:38 p.m.

#### SENATE IN SESSION

At 1:42 p.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 536.

The following Assembly amendment was read:

Amendment No. 858.

"SUMMARY—Makes various changes governing the privacy of certain health information. (BDR 40-305)"

"AN ACT relating to public health; exempting certain entities that comply with the provisions of federal law governing the electronic transmission of certain health information from provisions of state law that provide more stringent privacy requirements; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) protects the privacy of certain individually identifiable health information. (Public Law No. 104-191) HIPAA and the federal regulations to carry out that Act contain provisions which address the use and disclosure of individually identifiable health information by certain covered entities, including certain health plans, health care providers and health care clearinghouses. Among the federal requirements are provisions governing the electronic transmission of such health information. (42 U.S.C. §§ 1320d et seq.)

HIPAA further provides that if a state law imposes requirements or standards concerning the privacy of health information, the state law preempts HIPAA to the extent that the state law is more stringent than HIPAA. Section 1 of this bill changes the effect of this state law preemption with respect to the electronic transmission of individually identifiable health

information by exempting a covered entity that complies with HIPAA from any state law governing the privacy of health information which is more stringent. Section 1 also requires a covered entity that makes individually identifiable health information available electronically to allow any person to opt out of having his individually identifiable health information disclosed electronically to other covered entities.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a covered entity transmits electronically individually identifiable health information in compliance with the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, which govern the electronic transmission of such information, the covered entity is, for purposes of the electronic transmission, exempt from any state law that contains more stringent requirements or provisions concerning the privacy or confidentiality of individually identifiable health information.*

2. A covered entity that makes individually identifiable health information available electronically pursuant to subsection 1 shall allow any person to opt out of having his individually identifiable health information disclosed electronically to other covered entities, except as required by the administrative simplification provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

3. *As used in this section:*

(a) *"Covered entity" has the meaning ascribed to it in 45 C.F.R. § 160.103.*

(b) *"Individually identifiable health information" has the meaning ascribed to it in 45 C.F.R. § 160.103.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except : ~~{as follows:}~~

1. *As otherwise provided in section 1 of this act.*

2. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

~~{2.}~~ 3. In a prosecution for a violation of this chapter.

~~{3.}~~ 4. In a proceeding for an injunction brought pursuant to this chapter.

~~{4.}~~ 5. In reporting the actual or suspected abuse or neglect of a child or elderly person.

~~{5-}~~ 6. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

~~{6-}~~ 7. If the person who is the subject of the information consents in writing to the disclosure.

~~{7-}~~ 8. Pursuant to subsection 2 of NRS 441A.320 or NRS 629.069.

~~{8-}~~ 9. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

~~{9-}~~ 10. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

~~{10-}~~ 11. If the disclosure is authorized or required by specific statute.

Sec. 4. NRS 441A.230 is hereby amended to read as follows:

441A.230 Except as otherwise provided in this chapter ~~{-}~~ and section 1 of this act, a person shall not make public the name of, or other personal identifying information about, a person infected with a communicable disease who has been investigated by the health authority pursuant to this chapter ~~{-}~~ without the consent of the person.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 442.330 is hereby amended to read as follows:

442.330 1. ~~{Information}~~ Except as otherwise provided in section 1 of this act, information obtained by the system from any source may be used only:

(a) To investigate the causes of birth defects and other adverse birth outcomes;

(b) To determine, evaluate and develop strategies to prevent the occurrence of birth defects and other adverse birth outcomes;

(c) To assist in the early detection of birth defects; and

(d) To assist in ensuring the delivery of services for children identified with birth defects.

2. The State Board of Health shall adopt regulations to ensure that ~~{-}~~, except as otherwise provided in subsection 3 and section 1 of this act:

(a) Access to information contained in the system is limited to persons authorized and approved by the State Health Officer or his representative who are employed by the Health Division or the University of Nevada School of Medicine.

(b) Any information obtained by the system that would reveal the identity of a patient remains confidential.

(c) ~~{Except as otherwise provided in subsection 3, information}~~  
Information obtained by the system is used solely for the purposes set forth in subsection 1.

3. This section does not prohibit the publishing of statistical compilations relating to birth defects and other adverse birth outcomes that do not in any manner identify individual patients or individual sources of information.

Sec. 7. NRS 442.395 is hereby amended to read as follows:

442.395 ~~{H}~~ *Except as otherwise provided in section 1 of this act, if a pregnant woman is referred to the Health Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or other associated documentation is confidential and must not be used in any criminal prosecution of the woman.*

Sec. 8. NRS 449.720 is hereby amended to read as follows:

449.720 1. Every patient of a medical facility, facility for the dependent or home for individual residential care has the right to:

- ~~{1.}~~ (a) Receive considerate and respectful care.
- ~~{2.}~~ (b) Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.
- ~~{3.}~~ (c) Refuse to participate in any medical experiments conducted at the facility.
- ~~{4.}~~ (d) Retain his privacy concerning his program of medical care. ~~{Discussions of a patient's care, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient, except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705, and chapter 629 of NRS, are confidential. The patient must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.~~
- ~~{5.}~~ (e) Have any reasonable request for services reasonably satisfied by the facility or home considering its ability to do so.
- ~~{6.}~~ (f) Receive continuous care from the facility or home. The patient must be informed:
  - ~~{(a)}~~ (1) Of his appointments for treatment and the names of the persons available at the facility or home for those treatments; and
  - ~~{(b)}~~ (2) By his physician or an authorized representative of the physician, of his need for continuing care.

2. *Except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS and section 1 of this act, discussions of the care of a patient, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient are confidential. The patient must consent to the presence of any person who is not directly involved with his care during any examination, consultation or treatment.*

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 458.280 is hereby amended to read as follows:

458.280 1. Except as otherwise provided in subsection 2, NRS 442.300 to 442.330, inclusive, and 449.705 and chapter 629 of NRS, *and section 1 of this act*, the registration and other records of a treatment facility are confidential and must not be disclosed to any person not connected with the treatment facility without the consent of the patient.

2. The provisions of subsection 1 do not restrict the use of a patient's records for the purpose of research into the causes and treatment of alcoholism if such information is ~~not~~:

(a) *Not* published in a way that discloses the patient's name or other identifying information ~~[-]~~; *or*

(b) *Disclosed pursuant to section 1 of this act.*

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 396.525 is hereby amended to read as follows:

396.525 1. Except as otherwise provided in subsection 2 ~~[-]~~ *and section 1 of this act*, the records of the genetics program concerning the clients and families of clients are confidential.

2. The genetics program may share information in its possession with the University of Nevada School of Medicine and the Health Division of the Department of Health and Human Services, if the confidentiality of the information is otherwise maintained in accordance with the terms and conditions required by law.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~[-]~~ *Except as otherwise provided in section 1 of this act, reports* made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized or required pursuant to NRS 432B.290; ~~[-]~~

(c) As otherwise required pursuant to NRS 432B.513 ~~[-]~~; *or*

(d) *As otherwise authorized or required pursuant to section 1 of this act,*

➔ is guilty of a misdemeanor.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 433.332 is hereby amended to read as follows:

433.332 1. If a patient in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the facility or physician. Except as otherwise required by 42 U.S.C. §§ ~~290dd-3 and 290ee-3,~~ 290dd, 290dd-1 or 290dd-2 or section 1 of this act, the division facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.

2. As used in this section, "medical records" includes a medical history of the patient, a summary of the current physical condition of the patient and a discharge summary which contains the information necessary for the proper treatment of the patient.

Sec. 24. NRS 433.482 is hereby amended to read as follows:

433.482 Each client admitted for evaluation, treatment or training to a facility has the following personal rights, a list of which must be prominently posted in all facilities providing those services and must be otherwise brought to the attention of the client by such additional means as prescribed by regulation:

1. To wear his own clothing, to keep and use his own personal possessions, including his toilet articles, unless those articles may be used to endanger his or others' lives, and to keep and be allowed to spend a reasonable sum of his own money for expenses and small purchases.

2. To have access to individual space for storage for his private use.

3. To see visitors each day.

4. To have reasonable access to telephones, both to make and receive confidential calls.

5. To have ready access to materials for writing letters, including stamps, and to mail and receive unopened correspondence, but:

(a) For the purposes of this subsection, packages are not considered as correspondence; and

(b) Correspondence identified as containing a check payable to a client may be subject to control and safekeeping by the administrative officer of that facility or his designee, so long as the client's record of treatment documents the action.

6. To have reasonable access to an interpreter if the client does not speak English or is hearing impaired.

7. To designate a person who must be kept informed by the facility of the client's medical and mental condition, if the client signs a release allowing the facility to provide such information to the person.

8. ~~For~~ Except as otherwise provided in section 1 of this act, to have access to his medical records denied to any person other than:

(a) A member of the staff of the facility or related medical personnel, as appropriate;

(b) A person who obtains a waiver by the client of his right to keep the medical records confidential; or

- (c) A person who obtains a court order authorizing the access.
- 9. Other personal rights as specified by regulation of the Commission.

Sec. 25. NRS 433A.360 is hereby amended to read as follows:

433A.360 1. A clinical record for each client must be diligently maintained by any division facility or private institution or facility offering mental health services. The record must include information pertaining to the client's admission, legal status, treatment and individualized plan for habilitation. The clinical record is not a public record and no part of it may be released, except:

(a) *If the release is authorized or required pursuant to section 1 of this act.*

(b) The record must be released to physicians, attorneys and social agencies as specifically authorized in writing by the client, his parent, guardian or attorney.

~~[(b)]~~ (c) The record must be released to persons authorized by the order of a court of competent jurisdiction.

~~[(e)]~~ (d) The record or any part thereof may be disclosed to a qualified member of the staff of a division facility, an employee of the Division or a member of the staff of an agency in Nevada which has been established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ ~~16041~~ 15001 et seq., or the Protection and Advocacy for Mentally Ill Individuals Act of 1986, 42 U.S.C. §§ 10801 et seq., when the Administrator deems it necessary for the proper care of the client.

~~[(d)]~~ (e) Information from the clinical records may be used for statistical and evaluative purposes if the information is abstracted in such a way as to protect the identity of individual clients.

~~[(e)]~~ (f) To the extent necessary for a client to make a claim, or for a claim to be made on behalf of a client for aid, insurance or medical assistance to which he may be entitled, information from the records may be released with the written authorization of the client or his guardian.

~~[(f)]~~ (g) The record must be released without charge to any member of the staff of an agency in Nevada which has been established pursuant to 42 U.S.C. §§ ~~16041~~ 15001 et seq. or 42 U.S.C. §§ 10801 et seq. if:

(1) The client is a client of that office and he or his legal representative or guardian authorizes the release of the record; or

(2) A complaint regarding a client was received by the office or there is probable cause to believe that the client has been abused or neglected and the client:

(I) Is unable to authorize the release of the record because of his mental or physical condition; and

(II) Does not have a guardian or other legal representative or is a ward of the State.

~~[(g)]~~ (h) The record must be released as provided in NRS 433.332 or 433B.200 and in chapter 629 of NRS.

2. As used in this section, "client" includes any person who seeks, on his own or others' initiative, and can benefit from, care, treatment and training in a private institution or facility offering mental health services, or from treatment to competency in a private institution or facility offering mental health services.

Sec. 26. (Deleted by amendment.)

Sec. 27. NRS 629.161 is hereby amended to read as follows:

629.161 1. It is unlawful to retain genetic information that identifies a person, without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless retention of the genetic information is:

(a) *Authorized or required pursuant to section 1 of this act;*

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~[(b)]~~ (c) Authorized pursuant to an order of a court of competent jurisdiction; or

~~[(e)]~~ (d) Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person.

2. A person who has authorized another person to retain his genetic information may request that person to destroy the genetic information. If so requested, the person who retains that genetic information shall destroy the information, unless retention of that information is:

(a) *Authorized or required pursuant to section 1 of this act;*

(b) Necessary to conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

~~[(b)]~~ (c) Authorized by an order of a court of competent jurisdiction;

~~[(e)]~~ (d) Necessary for a medical facility as defined in NRS 449.0151 to maintain a medical record of the person; or

~~[(d)]~~ (e) Authorized or required by state or federal law or regulation.

3. Except as otherwise provided in subsection 4 or by federal law or regulation, a person who obtains the genetic information of a person for use in a study shall destroy that information upon:

(a) The completion of the study; *or*

(b) The withdrawal of the person from the study,

➔ whichever occurs first.

4. A person whose genetic information is used in a study may authorize the person who conducts the study to retain that genetic information after the study is completed or upon his withdrawal from the study.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 639.2357, *and section 1 of this act*, a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;



- (b) The practitioner who originally issued the prescription;
  - (c) A practitioner who is then treating the patient;
  - (d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;
  - (e) An agency of State Government charged with the responsibility of providing medical care for the patient;
  - (f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;
  - (g) Any person authorized by an order of a district court;
  - (h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;
  - (i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:
    - (1) Misusing prescriptions to obtain excessive amounts of drugs; or
    - (2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person; ~~for~~
  - (j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:
    - (1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or
    - (2) To carry out a search warrant or subpoena issued pursuant to a court order ~~for~~; or
  - (k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:
    - (1) Identifying a deceased person;
    - (2) Determining a cause of death; or
    - (3) Performing other duties authorized by law.
2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:
- (a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or
  - (b) The deceased person whose cause of death is being determined.
3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.100.

Sec. 30. (Deleted by amendment.)

Sec. 31. ~~[NRS 688C.320 is hereby amended to read as follows:~~

~~688C.320 — [All] Except as otherwise provided in section 1 of this act, all medical information solicited or obtained by a licensee under this chapter is subject to other laws of this State relating to the confidentiality of the information.] (Deleted by amendment.)~~

Sec. 32. ~~[NRS 689B.280 is hereby amended to read as follows:~~

~~689B.280 — 1. Except as otherwise provided in subsection 2, and section 1 of this act, an insurer or any agent or employee of an insurer who delivers or issues for delivery a policy of group health or blanket health insurance in this State shall not disclose to the policyholder or any agent or employee of the policyholder:~~

~~(a) The fact that an insured is taking a prescribed drug or medicine; or~~

~~(b) The identity of that drug or medicine.~~

~~2. The provisions of subsection 1 do not prohibit disclosure to an administrator who acts as an intermediary for claims for insurance coverage.] (Deleted by amendment.)~~

Senator Washington moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 536.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 548.

The following Assembly amendment was read:

Amendment No. 864.

"SUMMARY—Revises various provisions relating to public offices. (BDR 23-1434)"

"AN ACT relating to public office; revising the provisions governing filing of statements of financial disclosure by public officers and candidates for public office; requiring certain statements advocating the election or defeat of a candidate for state or local office and published by persons receiving compensation from the candidates, opponents of the candidates or certain political groups to contain disclosures of certain information regarding that compensation; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires certain appointed and elected public officers and candidates for public office to file financial disclosure statements. (NRS 281.559, 281.561) Sections 1 and 2 of this bill clarify that each disclosure statement is intended to disclose the required information for the full calendar year immediately preceding the deadline for filing the statement and, for candidates, to also disclose the required information for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

Existing law provides for a number of required and prohibited acts relating to election campaigns. (NRS 294A.290-294A.343) Section 3 of this bill requires certain statements advocating the election or defeat of a candidate for state or local office and published by persons receiving compensation from the candidates, opponents of the candidates or certain political groups to include a disclosure of certain information regarding that compensation.

*Existing law requires a person who publishes any material or information relating to an election, candidate or ballot question to disclose on the publication itself the name and address of each person responsible for paying for the publication. (NRS 294A.320) The United States Court of Appeals for the Ninth Circuit held that although the State had compelling interests in providing useful information to the electorate, in preventing election fraud and in ensuring compliance with its campaign finance laws, NRS 294A.320 was unconstitutional because it prohibited far more anonymous political speech than was necessary to achieve the State's legitimate interests and because its provisions were overbroad and could be further limited in order to withstand strict scrutiny. (ACLU v. Heller, 378 F.3d 979 (9th Cir. Nev. 2004))*

Section 5 of this bill repeals NRS 294A.320.

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

Section 1. NRS 281.559 is hereby amended to read as follows:

281.559 1. Except as otherwise provided in subsection 2, if a public officer who was appointed to the office for which he is serving is entitled to receive annual compensation of \$6,000 or more for serving in that office, he shall file with the Commission a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after his appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

➡ *The statement must disclose the required information for the full calendar year immediately preceding the date of filing.*

2. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for

that initial office to satisfy the requirements of subsection 1 for every other public office to which he is appointed and in which he is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

4. The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:

(a) The name of each public officer who failed to file his statement of financial disclosure within the period before the notice is sent;

(b) The name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;

(c) For the first notice sent after the public officer filed his statement of financial disclosure, the name of each public officer who filed his statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and

(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.

5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.

6. A statement of financial disclosure shall be deemed to be filed with the Commission:

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

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

Sec. 2. NRS 281.561 is hereby amended to read as follows:

281.561 1. ~~Each~~ *Except as otherwise provided in subsection 2, each* candidate for public office who will be entitled to receive annual compensation of \$6,000 or more for serving in the office that he is seeking and, except as otherwise provided in subsection ~~2,~~ 3, each public officer who was elected to the office for which he is serving shall file with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last

day to qualify as a candidate for the office . ~~{3- and}~~ *The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if he is elected to the office.*

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires. *The statement must disclose the required information for the full calendar year immediately preceding the date of filing.*

2. *Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which he is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281.559, he need not file the statement required by subsection 1 for the full calendar year for which he previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.*

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

~~{3-}~~ 4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

~~{4-}~~ 5. A statement of financial disclosure shall be deemed to be filed with the Secretary of State:

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

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

~~{5-}~~ 6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281.471.

~~{6-}~~ 7. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.

Sec. 3. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A statement which:*

(a) *Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;*

(b) *Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and*

(c) *Is published by a person who receives compensation from the candidate, an opponent of the candidate, or a person, party or committee required to report expenditures pursuant to NRS 294A.210,*

➤ *must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, party or committee providing that compensation.*

2. *A statement which:*

(a) *Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and*

(b) *Contains the name of the candidate,*

➤ *shall be deemed to comply with the provisions of this section.*

3. *As used in this section, "publish" means the act of:*

(a) *Printing, posting, broadcasting, mailing or otherwise disseminating;*  
or

(b) *Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.*

Sec. 4. *NRS 294A.420 is hereby amended to read as follows:*

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280 or 294A.360 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.230, 294A.270, 294A.280, 294A.300, 294A.310 ~~or 294A.320~~ or 294A.360 is subject to a civil penalty of not more than \$5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, \$25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, \$50 for each day the report is late.

(c) If the report is more than 15 days late, \$100 for each day the report is late.

➔ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his office or a candidate for such an office must not exceed a total of \$100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 5. NRS 294A.320 is hereby repealed.

TEXT OF REPEALED SECTION

NRS 294A.320 Published material concerning campaign must identify person paying for publication; exceptions.

1. Except as otherwise provided in subsection 2, it is unlawful for any person to publish any material or information relating to an election, candidate or any question on a ballot unless that material or information contains:

(a) The name and mailing or street address of each person who has paid for or who is responsible for paying for the publication; and

(b) A statement that each such person has paid for or is responsible for paying for the publication.

2. The provisions of subsection 1 do not apply:

(a) To any candidate or to the political party of that candidate which pays for or is responsible for paying for any billboard, sign or other form of advertisement which refers only to that candidate and in which the candidate's name is prominently displayed.

(b) If the material is expressly approved and paid for by the candidate and the cost of preparation and publishing has been reported by the candidate as a campaign contribution pursuant to NRS 294A.120.

(c) To a natural person who acts independently and not in cooperation with or pursuant to any direction from a business or social organization, nongovernmental legal entity or governmental entity.

3. Any identification that complies with the requirements of the Communications Act of 1934 and the regulations adopted pursuant to the act shall be deemed to comply with the requirements of this section.

4. As used in this section:

(a) "Material" means any printed or written matter or any photograph.

(b) "Publish" means the act of:

(1) Printing, posting, broadcasting, mailing or otherwise disseminating;

or

(2) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

→ any material or information to the public.

Senator Cegavske moved that the Senate concur in the Assembly amendment to Senate Bill No. 548.

Remarks by Senator Cegavske.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 549.

The following Assembly amendment was read:

Amendment No. 687.

"SUMMARY—Makes various changes to provisions governing certain petitions. (BDR 24-1382)"

"AN ACT relating to elections; providing a procedure for a petition proposing a statute, an amendment to statute or an amendment to the Constitution to be placed on a ballot; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires that an initiative petition be signed by at least 10 percent of the voters who voted at the last preceding general election in at least 75 percent of the counties in the State. (Nev. Const. Art. 19, § 2) The United States District Court for the District of Nevada declared that the above portion of Section 2 of Article 19 of the Nevada Constitution concerning 75 percent of the counties in the State violates the Equal Protection Clause of the United States Constitution because it applies the same formula to counties of varying population. Such application results in the signatures of voters from small, rural counties carrying more weight than the signatures of voters from larger counties. (*Committee to Regulate and Control Marijuana v. Heller*, No. CV-S-04-01035 (D. Nev. Aug. 20, 2004)) The United States Court of Appeals for the Ninth Circuit affirmed the decision of the United States District Court. (*American Civil Liberties Union of Nevada v. Lomax*, 471 F.3d 1010 (9th Cir. Nev. 2006))

Section 8 of this bill requires a petition for initiative that proposes a statute, an amendment to statute or an amendment to the Constitution of this State to be signed by a number of registered voters from each county in the State determined by applying a flexible formula which is based on the percentage of population of each county in the State so that each signature carries relatively equal weight. Section 1 of this bill requires the Secretary of State to determine the number of signatures required to be gathered from each county



for a petition for initiative proposing a statute, an amendment to statute or an amendment to the Constitution as soon as practicable after each statewide general election. Section 6 of this bill amends the procedure for the verification of signatures on a petition for initiative proposing a statute, an amendment to statute or an amendment to the Constitution.

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

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

1. *As soon as practicable after each general election, the Secretary of State shall determine the number of signatures required to be gathered from each county within the State for a petition for initiative that proposes a statute, an amendment to statute or an amendment to the Constitution ~~for~~ of this State.*

2. *To determine the number of signatures required to be gathered from a county, the Secretary of State shall multiply the amount that equals ~~4 percent of the total population of the State or the amount that equals~~ 10 percent of the voters who voted in the entire State at the last preceding general election ~~for, whichever is less,~~ by the population percentage for that county. ~~If the calculation results in a fraction of a signature being required for a particular county, the Secretary of State shall round up the number of signatures required for the county to the next whole number.~~*

3. *As used in this section:*

(a) *"Total population of the State" means the determination of the total population of the State by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c).*

(b) *"Population percentage for that county" means the figure obtained by dividing the population of the county, as determined by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c), by the total population of the State.*

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the

county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. ~~¶¶~~ *Except as otherwise provided in this subsection, if the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until he has removed each name as requested pursuant to NRS 295.055 or 306.015. In the case of a petition for initiative that proposes a statute, an amendment to statute or an amendment to the Constitution ~~¶¶~~ of this State, if the statistical sampling shows that the number of valid signatures in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that county pursuant to section 8 of this act plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055, the Secretary of State may order the county clerk to examine every signature for verification.*

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk shall determine from the records of registration what number of registered voters have signed the petition. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the

examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which he receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, he shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

Sec. 7. Chapter 295 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. 1. ~~Except as otherwise provided in subsection 2, a~~ *A petition for initiative that proposes a statute, an amendment to statute or an amendment to the Constitution must be proposed by a number of registered voters from each county in the State that is at least equal to* ~~the~~

~~(a) Four percent of the total population of the State multiplied by the population percentage for that county; or~~

~~(b) Ten percent of the voters who voted in the entire State at the last preceding general election multiplied by the population percentage for that county; or~~  
~~whichever is less.~~

2. ~~At least one registered voter who resides in each county must sign the petition.~~

~~3.~~ *As used in this section:*

(a) "Total population of the State" means the determination of the total population of the State by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c).

(b) "Population percentage for that county" means the figure obtained by dividing the population of the county, as determined by the national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c), by the total population of the State.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

*Sec. 12. This act becomes effective on July 1, 2007.*

Senator Cegavske moved that the Senate concur in the Assembly amendment to Senate Bill No. 549.

Remarks by Senator Cegavske.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Joint Resolution No. 2.

The following Assembly amendment was read:

Amendment No. 984.

"SUMMARY—Proposes to amend the Nevada Constitution to revise provisions relating to the selection of justices and judges. (BDR C-177)"

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

Legislative Counsel's Digest:

This resolution amends the Nevada Constitution, which currently provides for the popular election of justices of the Supreme Court and judges of the district court, to provide for: (1) the initial appointment by the Governor of justices and judges, from candidates recommended by the Commission on Judicial Selection; and (2) any subsequent retention of those justices and judges by approval of a ballot question concerning their retention. (Nev. Const. Art. 6, §§ 3, 5) Under this resolution, if a vacancy occurs in the Supreme Court or a district court for any reason, the Governor appoints a justice or judge from candidates selected by the Commission on Judicial Selection, and the initial term of that justice or judge expires on the first Monday of January following the general election occurring at least 12 months after the justice or judge is appointed. Thereafter, if the justice or judge wishes to serve another term, he must declare his candidacy for a retention election. If ~~60~~ 55 percent or more of the votes cast are in favor of the retention of the justice or judge, he will then serve a 6-year term and must run in a retention election if he wishes to serve another 6-year term. If the justice or judge does not declare his candidacy for the retention election or if less than ~~60~~ 55 percent of the votes cast are in favor of his retention, a vacancy is created at the end of his term which must be filled by appointment.

In addition, this resolution amends the Nevada Constitution to require each justice or judge who has declared his candidacy for a retention election to undergo a review of his performance as a justice or judge. This resolution creates the Commission on Judicial Performance and requires the Commission to perform these reviews. The review of each justice or judge

must consist of a review of the record of the justice or judge and at least one interview of the justice or judge. At the conclusion of this review, the Commission must prepare and release to the public a report containing information about the review and a recommendation on the question of whether the justice or judge should be retained.

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

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

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

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

*4. Each justice or judge who declares his candidacy to succeed himself must be reviewed by a commission on judicial performance. The review must consist of an examination of the record of the justice or judge and at least one interview of the justice or judge at which the commission discusses with the justice or judge any areas of performance in which the justice or judge needs to improve. At the conclusion of the review, the members of the commission must vote on the question of whether the commission recommends that the justice or judge succeed himself. Not later than 6 weeks before the general election at which the question of whether the justice or judge shall succeed himself is presented, the commission shall prepare and release to the public a report which provides a summary of the findings of the commission, the recommendation of the commission on the question of whether the justice or judge should succeed himself, the rationale for the recommendation and the result of the vote by which the commission made the recommendation. The vote of an individual member of the commission must not be disclosed to the public.*

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

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

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

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

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

(a) The permanent Commission on Judicial Performance;

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

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

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

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

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

(a) One resident of any county.

(b) One member of the same political party.

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

And be it further

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

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

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

And be it further

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

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

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

And be it further

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

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

And be it further

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

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

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

(b) *Reject all three nominees.*



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

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

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

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

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

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

- (a) The Chief Justice or an associate justice designated by him;
- (b) ~~Three]~~ *Four* members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and
- (c) ~~Three]~~ *Four* persons, not members of the legal profession, appointed by the Governor.

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

- (a) The permanent Commission;
- (b) ~~A member]~~ *Two members* of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and
- (c) ~~A resident of such]~~ *Two residents of that* judicial district, not ~~a member]~~ *members* of the legal profession, appointed by the Governor.

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

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

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

~~{7-}~~ 10. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

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

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

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

And be it further

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

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

2. The Commission is composed of:

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

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

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

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

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

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

5. The Legislature shall establish:

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

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

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

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

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

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

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

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

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

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The

Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

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

11. The Commission may:

- (a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;
- (b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;
- (c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and
- (d) Exercise such further powers as the Legislature may from time to time confer upon it.

Senator Amodei moved that the Senate concur in the Assembly amendment to Senate Joint Resolution No. 2.

Remarks by Senator Amodei.

Motion carried by a constitutional majority.

Resolution ordered enrolled.

Senate Joint Resolution No. 3.

The following Assembly amendment was read:

Amendment No. 923.

"SUMMARY—Proposes to amend the Nevada Constitution to revise certain provisions relating to ~~signature requirements for initiative petitions~~ elections. (BDR C-260)"

"SENATE JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide that a person must be a resident of the State for

30 days before an election to be eligible to vote in that election, to require that an initiative petition be proposed by a number of registered voters [equal to a certain percentage of the population of the State, or] equal to a certain percentage of registered voters who voted in the last preceding election [who reside in each county of the State in the same proportion as the population of the county bears to the total population of the State.] and to remove requirements concerning affidavits that must be affixed to referendum petitions and initiative petitions."

Legislative Counsel's Digest:

Existing law provides that a citizen of the United States who is at least 18 years of age and who has actually, as opposed to constructively, resided in the State for at least 6 months and in the district or county for at least 30 days before an election is eligible to vote. (Nev. Const. Art. 2, § 1)

The United States Supreme Court, in several decisions, has ruled that residency requirements which exceed the amount of time required to complete election administrative procedures do not further any compelling state interest and violate the equal protection clause of the Fourteenth Amendment of the U.S. Constitution. (Dunn v. Blumstein, 92 S. Ct. 995 (1972); Marston v. Lewis, 93 S. Ct. 1211 (1973); Burns v. Fortson, 93 S. Ct. 1209 (1973))

This resolution proposes to amend the Nevada Constitution to eliminate the 6-month state residency requirement. A person will be eligible to vote after residing for 30 days in a district or county in this State.

Existing law requires that an initiative petition be signed by at least 10 percent of the voters who voted at the last preceding general election in at least 75 percent of the counties in the State. (Nev. Const. Art. 19, § 2)

The United States District Court for the District of Nevada declared that the above portion of Section 2 of Article 19 of the Nevada Constitution violates the Equal Protection Clause of the United States Constitution because it applies the same formula to counties of varying population. Such application results in the signatures of voters from small, rural counties carrying more weight than the signatures of voters from larger counties. (*Committee to Regulate and Control Marijuana v. Heller*, No. CV-S-04-01035 (D. Nev. Aug. 20, 2004)) The United States Court of Appeals for the Ninth Circuit affirmed the decision of the United States District Court. (*American Civil Liberties Union of Nevada v. Lomax*, 471 F.3d 1010 (9th Cir. Nev. 2006))

This resolution proposes to amend the Nevada Constitution to remove those provisions which were found unconstitutional and replace them with a requirement that an initiative petition must be signed by a number of registered voters that equals ~~[at least 4 percent of the total population of the State, as determined by the last preceding decennial census, or]~~ at least 10 percent of the total number of voters who voted at the last preceding general election. ~~[, whichever number is less. The signatures must be gathered from registered voters who reside in each county in the State in the~~

~~same proportion as the population of the county bears to the total population of the State.]~~

*Existing law currently provides that there must be attached to each document in a referendum petition or initiative petition an affidavit stating that all the signatures on the document are genuine signatures of persons who are registered voters in the counties in which they reside, and that the affidavit must be executed before a person authorized by law to administer oaths in Nevada, such as a notary public. (Nev. Const. Art. 19, § 3) The Nevada Supreme Court has ruled that the affidavit requirements set forth in Section 3 of Article 19 of the Nevada Constitution are an impermissible burden on political speech and, therefore, unconstitutional under the First Amendment to the United States Constitution. (Secretary of State v. Give Nevada a Raise, Inc., 120 Nev. 481 (2004))*

*This resolution proposes to amend the Nevada Constitution to remove the affidavit requirements set forth in Section 3 of Article 19.*

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 2 of the Nevada Constitution be amended to read as follows:

Section 1. All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the state ~~for six months,~~ and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; provided, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no person who has been adjudicated mentally incompetent, unless restored to legal capacity, shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex. The legislature may provide by law the conditions under which a citizen of the United States who does not have the status of an elector in another state and who does not meet the residence requirements of this section may vote in this state for President and Vice President of the United States.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a *total* number of registered voters equal to *at least* 10 percent ~~for more~~ of the number of voters who

voted at the last preceding general election [~~in not less than 75 percent of the counties] in in ~~for at least 4 percent of the total population of~~ the State . [~~but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.] as determined by the last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c), whichever total number of registered voters is less.~~ The number of registered voters who propose the initiative petition must reside in each county of the State in the same proportion as the population of the applicable county bears to the total population of the State.~~]

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the

Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this



Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

And be it further

RESOLVED, That Section 3 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 3. 1. Each referendum petition and initiative petition shall include the full text of the measure proposed. Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document. ~~but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence. The affidavit shall be executed before a person authorized by law to administer oaths in the State of Nevada. The enacting clause of all statutes or amendments proposed by initiative petition shall be: "The People of the State of Nevada do enact as follows:"~~

2. The Legislature may authorize the Secretary of State and the other public officers to use generally accepted statistical procedures in conducting a preliminary verification of the number of signatures submitted in connection with a referendum petition or an initiative petition, and for this purpose to require petitions to be filed no more than 65 days earlier than is otherwise required by this Article.

And be it further

RESOLVED, That the provisions of Assembly Joint Resolution No. 10 of the 73rd Session of the Nevada Legislature are hereby repealed.

And be it further

RESOLVED, That the provisions of Senate Joint Resolution No. 1 of the 74th Session of the Nevada Legislature are hereby repealed.

Senator Cegavske moved that the Senate concur in the Assembly amendment to Senate Joint Resolution No. 3.

Remarks by Senator Cegavske.

Motion carried by a constitutional majority.

Resolution ordered enrolled.

Senate Joint Resolution No. 18.

The following Assembly amendment was read:

Amendment No. 666.

"SUMMARY—Urges Congress to support a proposed off-highway vehicle park in Clark County. (BDR R-1433)"

"SENATE JOINT RESOLUTION—Urging Congress to support a proposed off-highway vehicle park in Clark County."

WHEREAS, The Nellis Dunes area comprises approximately 10,181 acres located in unincorporated Clark County, Nevada, on federal public lands managed by the Bureau of Land Management, 8,921 acres of which are usable recreation space, offering a variety of terrain and trails for off-highway vehicle enthusiasts; and

WHEREAS, Most areas of Clark County have been closed to motorized recreation; ~~and the Las Vegas Valley is in a state of noncompliance for air quality with regard to particulate matter, partially due to blowing dust from land disturbance caused by off road vehicle use;~~ and

WHEREAS, The Nellis Dunes is recognized in the Southern Nevada Regional Planning Coalition's open space plan to protect the natural backdrops and maintain a perimeter trail corridor around the Las Vegas Valley; and

WHEREAS, The Bureau of Land Management's Las Vegas Resource Management Plan designates the Nellis Dunes as an "open area," allowing unrestricted motorized recreation; and

WHEREAS, An opportunity exists for Clark County to develop and manage a motorized recreation system, consistent with the mission of Nellis Air Force Base, with the potential to prevent safety concerns, improve air quality, protect rare plants and sensitive soils, prevent refuse dumping and capitalize on potential economic development possibilities; and

WHEREAS, A feasibility study, funded by the Board of County Commissioners for Clark County, evaluated supply and demand considerations, capital and operations and maintenance costs and options for funding, and likely operation models for a motorized recreation park; and

WHEREAS, Development of a motorized recreation park managed by Clark County will benefit southern Nevadans through the promotion of safe

off-road activities and implementation of environmental protections to air, sensitive soils and native plants; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature hereby urge Congress to promulgate legislation for the conveyance of the Nellis Dunes area to Clark County for the purpose of off-road recreation and environmental protection; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Board of County Commissioners of Clark County and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Rhoads moved that the Senate concur in the Assembly amendment to Senate Joint Resolution No. 18.

Remarks by Senator Rhoads.

Motion carried by a constitutional majority.

Resolution ordered enrolled.

Senate Bill No. 18.

The following Assembly amendment was read:

Amendment No. 709.

"SUMMARY—~~[Authorizes the imposition of a fine for engaging in a certain]~~ Revises provisions governing deceptive trade ~~[practice.]~~ practices. (BDR 52-587)"

"AN ACT relating to deceptive trade practices; providing that the conducting of certain businesses or occupations without registering with the Consumer Affairs Division of the Department of Business and Industry is a deceptive trade practice; authorizing the Commissioner of Consumer Affairs to impose a fine on persons who engage in such a deceptive trade practice; providing that the rental, lease or sale of certain goods or services for an unconscionable price within a certain period before or during a state of emergency is a deceptive trade practice; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law defines a number of actions as deceptive trade practices that are punishable by the imposition of civil penalties. (NRS 598.0915-598.0925, 598.0971-598.0974) Section 2 of this bill provides that conducting a business or occupation that is required to be registered with the Consumer Affairs Division of the Department of Business and Industry without being so registered is a deceptive trade practice, and section 4 of this bill authorizes the Commissioner of Consumer Affairs to impose a fine on a person who engages in such a deceptive trade practice. Section 4.7 of this bill provides that renting, leasing or selling a consumer good or service that is vital to the public health, safety or welfare for an unconscionable price within 24 hours

before or at any time during a state of emergency is a deceptive trade practice.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, ~~3 and 4~~ to 4.7, inclusive, of this act.

Sec. 2. *A person engages in a "deceptive trade practice" if, in the course of his business or occupation, he is required to be registered with the Division pursuant to any provision of this chapter or NRS 599B.080 and he fails to be registered with the Division.*

Sec. 3. *"Division" means the Consumer Affairs Division of the Department of Business and Industry.*

Sec. 4. 1. *In addition to any other remedy or penalty, if a person engages in a deceptive trade practice, as defined in section 2 of this act, the Commissioner may impose a fine of:*

- (a) For the first violation, \$100;*
- (b) For the second violation, \$250; and*
- (c) For each subsequent violation, \$500.*

2. *All money collected from fines imposed pursuant to this section must be deposited in the State General Fund.*

Sec. 4.5. *The Legislature finds and declares that:*

1. *Protecting the public from the economic practice commonly known as "price gouging" is a vital function of state government in providing for the public health, safety and welfare;*

2. *The pricing of consumer goods and services is generally best left to the marketplace in ordinary conditions, but when a state of emergency results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of consumer goods and services be prohibited;*

3. *It is the intent of the Legislature in enacting section 4.7 of this act to protect consumers from excessive and unjustified increases in the prices charged within 24 hours before or at any time during a state of emergency for consumer goods and services that are vital to the public health, safety or welfare; and*

4. *As the provisions of this chapter are necessary to protect the public welfare, it is also the intent of the Legislature that the provisions of this chapter be liberally construed to effectuate its purposes.*

Sec. 4.7. 1. *Except as otherwise provided in subsection 2, a person engages in a "deceptive trade practice" if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for an unconscionable price within 24 hours before or at any time during a state of emergency.*

2. *A person does not engage in a "deceptive trade practice" pursuant to subsection 1 if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for a price that is approved by an appropriate government or governmental entity.*

3. For the purposes of this section and except as otherwise provided in subsection 4, it is prima facie evidence that a price for a consumer good or service is an unconscionable price if the price exceeds, by an amount equal to or greater than 25 percent:

(a) The average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business during the 30 days immediately preceding the state of emergency;  
or

(b) The average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business in the immediately preceding calendar year during the same period to which the state of emergency applies.

4. For the purposes of this section, it is prima facie evidence that a price for a consumer good or service is not an unconscionable price if the net profit margin for the consumer good or service does not exceed, by an amount equal to or greater than 25 percent:

(a) The net profit margin for the consumer good or service during the 30 days immediately preceding the state of emergency; or

(b) The net profit margin for the consumer good or service in the immediately preceding calendar year during the same period to which the state of emergency applies.

5. The provisions of this section do not preempt the authority of a local government to adopt an ordinance relating to the price of a consumer good or service during a state of emergency.

6. As used in this section:

(a) "Consumer good or service" means a good or service used, purchased or rendered primarily for personal, family or household purposes that is vital to the public health, safety or welfare. The term includes, without limitation, food for human consumption, food for domestic animals, clothing, shoes, ice, water, gas, electricity, heat, fuel of all kinds and building materials.

(b) "State of emergency" means the period:

(1) Beginning when the Governor or the Legislature proclaims a state of emergency or declaration of disaster pursuant to NRS 414.070 or the President of the United States declares a state of emergency in this State or any other state; and

(2) Ending when the Governor or the Legislature terminates the proclamation of a state of emergency or declaration of disaster or the President of the United States terminates the declaration of a state of emergency.

Sec. 5. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, and sections 2, ~~3 and 4~~ to 4.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, and sections 2, ~~and 3~~ and 4.7 of this act have the meanings ascribed to them in those sections.

*Sec. 5.5. NRS 598.0953 is hereby amended to read as follows:*

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, and sections 2 and 4.7 of this act are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

*Sec. 5.7. NRS 598.0955 is hereby amended to read as follows:*

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive, ~~1.1,~~ and sections 2 to 4.7, inclusive, of this act.

*Sec. 6. NRS 598.096 is hereby amended to read as follows:*

598.096 When the Commissioner, Director or Attorney General has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he may:

1. Request the person to file a statement or report in writing under oath or otherwise, on such forms as may be prescribed by the Commissioner, Director

or Attorney General, as to all facts and circumstances concerning the sale or advertisement of property by the person, and such other data and information as the Commissioner, Director or Attorney General may deem necessary.

2. Examine under oath any person in connection with the sale or advertisement of any property.

3. Examine any property or sample thereof, record, book, document, account or paper as he may deem necessary.

4. Make true copies, at the expense of the ~~[Consumer Affairs Division of the Department of Business and Industry,]~~ *Division*, of any record, book, document, account or paper examined pursuant to subsection 3, which copies may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.097 and 598.0979.

5. Pursuant to an order of any district court, impound any sample of property which is material to the deceptive trade practice and retain the property in his possession until completion of all proceedings as provided in NRS 598.0903 to 598.0999, inclusive ~~[ ]~~, and sections 2, 3 and 4 to 4.7, inclusive, of this act. An order may not be issued pursuant to this subsection unless:

(a) The Commissioner, Director or Attorney General, and the court give the accused full opportunity to be heard; and

(b) The Commissioner, Director or Attorney General proves by clear and convincing evidence that the business activities of the accused will not be impaired thereby.

*Sec. 6.5. NRS 598.0963 is hereby amended to read as follows:*

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[ ]~~, and sections 2 to 4.7, inclusive, of this act. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

*Sec. 7. NRS 598.0966 is hereby amended to read as follows:*

598.0966 1. There is hereby created a Revolving Account for the ~~{Consumer Affairs Division of the Department of Business and Industry}~~ *Division* in the sum of \$7,500, which must be used for the payment of expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice.

2. The Commissioner shall deposit the money in the Revolving Account in a bank or credit union qualified to receive deposits of public money as

provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.

3. The Commissioner or his designee may:

- (a) Sign all checks drawn upon the Revolving Account; and
- (b) Make withdrawals of cash from the Revolving Account.

4. Payments made from the Revolving Account must be promptly reimbursed from the legislative appropriation, if any, to the ~~Consumer Affairs~~ Division for the expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice. The claim for reimbursement must be processed and paid as other claims against the State are paid.

5. The Commissioner shall:

- (a) Approve any disbursement from the Revolving Account; and
- (b) Maintain records of any such disbursement.

*Sec. 7.5. NRS 598.0967 is hereby amended to read as follows:*

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act, may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~and~~ and sections 2 to 4.7, inclusive, of this act. Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

*Sec. 7.7. NRS 598.0971 is hereby amended to read as follows:*

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act, the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the



person and any intervener at the hearing. If the Commissioner determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~and~~, *and sections 2 to 4.7, inclusive, of this act*; and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

➡ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;

(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

➡ the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. Except as otherwise provided in NRS 598.0974, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than \$5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 8. NRS 598.0975 is hereby amended to read as follows:

598.0975 1. Except as otherwise provided in subsection 1 of NRS 598.0999 and subsection 3, all fees, civil penalties and any other money collected pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive ~~[;]~~, and sections 2 ~~f, 3 and 4~~ to 4.7, inclusive, of this act:

(a) In an action brought by the Attorney General, Commissioner or Director, must be deposited in the State General Fund and may only be used to offset the costs of administering and enforcing the provisions of NRS 598.0903 to 598.0999, inclusive ~~[;]~~, and sections 2 ~~f, 3 and 4~~ to 4.7, inclusive, of this act.

(b) In an action brought by the district attorney of a county, must be deposited with the county treasurer of that county and accounted for separately in the county general fund.

2. Money in the account created pursuant to paragraph (b) of subsection 1 must be used by the district attorney of the county for:

(a) The investigation and prosecution of deceptive trade practices against elderly or disabled persons; and

(b) Programs for the education of consumers which are directed toward elderly or disabled persons, law enforcement officers, members of the judicial system, persons who provide social services and the general public.

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

(a) Criminal fines imposed pursuant to NRS 598.0903 to 598.0999, inclusive ~~[;]~~, and sections 2 ~~f, 3 and 4~~ to 4.7, inclusive, of this act; or

(b) Restitution ordered pursuant to NRS 598.0903 to 598.0999, inclusive, and sections 2 ~~f, 3 and 4~~ to 4.7, inclusive, of this act in an action brought by the Attorney General. Money collected for restitution ordered in such an action must be deposited by the Attorney General and credited to the appropriate account of the ~~[Consumer Affairs Division of the Department of Business and Industry]~~ Division or the Attorney General for distribution to the person for whom the restitution was ordered.

Sec. 9. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act, whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

*Sec. 10. NRS 598.0993 is hereby amended to read as follows:*

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act, but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

*Sec. 11. NRS 598.0999 is hereby amended to read as follows:*

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~11~~, and sections 2 to 4.7, inclusive, of this act.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

➡ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a

prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, and sections 2 to 4.7, inclusive, of this act, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

*Sec. 12. NRS 11.190 is hereby amended to read as follows:*

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, and sections 2

to 4.7, inclusive, of this act, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

*Sec. 13. NRS 41.600 is hereby amended to read as follows:*

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

- (a) An unlawful act as defined in NRS 119.330;
- (b) An unlawful act as defined in NRS 205.2747;
- (c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;
- (d) An act prohibited by NRS 482.351; or
- (e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive, ~~and~~ *and sections 2 and 4.7 of this act.*

3. If the claimant is the prevailing party, the court shall award him:

- (a) Any damages that he has sustained; and
- (b) His costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Amendment No. 977.

"SUMMARY—Revises provisions governing deceptive trade practices. (BDR 52-587)"

"AN ACT relating to deceptive trade practices; providing that the conducting of certain businesses or occupations without registering with the Consumer Affairs Division of the Department of Business and Industry is a deceptive trade practice; authorizing the Commissioner of Consumer Affairs to impose a fine on persons who engage in such a deceptive trade practice; providing that the rental, lease or sale of certain goods or services for an unconscionable price within a certain period before or during a state of emergency is a deceptive trade practice; *providing a penalty*; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law defines a number of actions as deceptive trade practices that are punishable by the imposition of civil *and criminal* penalties. (NRS 598.0915-598.0925, 598.0971- ~~598.0974~~ *598.0999*) Section 2 of this bill provides that conducting a business or occupation that is required to be registered with the Consumer Affairs Division of the Department of Business and Industry without being so registered is a deceptive trade practice, and section 4 of this bill authorizes the Commissioner of Consumer

Affairs to impose a fine on a person who engages in such a deceptive trade practice. Section 4.7 of this bill provides that renting, leasing or selling a consumer good or service that is vital to the public health, safety or welfare for an unconscionable price within 24 hours before or at any time during a state of emergency is a deceptive trade practice.

Existing law provides a private right of action for a person who is a victim of consumer fraud to recover damages. The term "consumer fraud" includes a deceptive trade practice. (NRS 41.600) Because unconscionable pricing during a state of emergency is made a deceptive trade practice, section 13 of this bill provides a person with this private right of action for such practices.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.7, inclusive, of this act.

Sec. 2. *A person engages in a "deceptive trade practice" if, in the course of his business or occupation, he is required to be registered with the Division pursuant to any provision of this chapter or NRS 599B.080 and he fails to be registered with the Division.*

Sec. 3. *"Division" means the Consumer Affairs Division of the Department of Business and Industry.*

Sec. 4. 1. *In addition to any other remedy or penalty, if a person engages in a deceptive trade practice, as defined in section 2 of this act, the Commissioner may impose a fine of:*

- (a) For the first violation, \$100;*
- (b) For the second violation, \$250; and*
- (c) For each subsequent violation, \$500.*

2. *All money collected from fines imposed pursuant to this section must be deposited in the State General Fund.*

Sec. 4.5. *The Legislature finds and declares that:*

1. *Protecting the public from the economic practice commonly known as "price gouging" is a vital function of state government in providing for the public health, safety and welfare;*

2. *The pricing of consumer goods and services is generally best left to the marketplace in ordinary conditions, but when a state of emergency results in abnormal disruptions of the market, the public interest requires that excessive and unjustified increases in the prices of consumer goods and services be prohibited;*

3. *During a state of emergency the vulnerable persons of society are left even more vulnerable, and those with limited resources may find themselves without the ability to purchase even the most basic necessities such as potable water, food and medicine;*

4. *During a state of emergency, price is an inaccurate and ineffective manner of determining the needs of people, and price gouging serves only to discriminate against the poor and to encourage looting, human suffering and panic;*

5. *It is the intent of the Legislature in enacting section 4.7 of this act to protect consumers from excessive and unjustified increases in the prices charged within 24 hours before or at any time during a state of emergency for consumer goods and services that are vital to the public health, safety or welfare; and*

~~4.7~~ 6. *As the provisions of this chapter are necessary to protect the public welfare, it is also the intent of the Legislature that the provisions of this chapter be liberally construed to effectuate its purposes.*

Sec. 4.7. 1. Except as otherwise provided in subsection 2, a person engages in a "deceptive trade practice" if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for an unconscionable price within 24 hours before or at any time during a state of emergency.

2. A person does not engage in a "deceptive trade practice" pursuant to subsection 1 if he rents, leases or sells or offers to rent, lease or sell a consumer good or service for a price that is approved by an appropriate government or governmental entity.

3. For the purposes of this section ~~and except as otherwise provided in subsection 4, it is prima facie evidence that~~ a price for a consumer good or service is an unconscionable price if the price exceeds ~~f, by an amount equal to or greater than 25 percent:~~

~~(a) The~~ the average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business in the same market area at the time of, or during the 30 days immediately preceding, the state of emergency ~~f, or~~

~~(b) The average price at which the consumer good or service was rented, leased or sold or offered for rent, lease or sale in the usual course of business in the immediately preceding calendar year during the same period to which the state of emergency applies.~~

~~4. For the purposes of this section, it is prima facie evidence that a price for a consumer good or service is not an unconscionable price if the net profit margin for the consumer good or service does not exceed, by an amount equal to or greater than 25 percent:~~

~~(a) The net profit margin for the consumer good or service during the 30 days immediately preceding the state of emergency; or~~

~~(b) The net profit margin for the consumer good or service in the immediately preceding calendar year during the same period to which the state of emergency applies.~~

~~5.7~~ , except that the price may include an increase in price which reflects reasonable expenses and a charge for any attendant business risk in addition to the cost of the goods and services which are necessarily incurred in procuring the goods and services during the state of emergency.

4. The provisions of this section do not preempt the authority of a local government to adopt an ordinance relating to the price of a consumer good or service during a state of emergency.

~~6.7~~ 5. *As used in this section:*



(a) "Consumer good or service" means a good or service used, purchased or rendered primarily for personal, family or household purposes that is vital to the public health, safety or welfare. The term includes, without limitation, food for human consumption, food for domestic animals, clothing, shoes, ice, water, gas, electricity, heat, fuel of all kinds and building materials.

(b) "State of emergency" means the period:

(1) Beginning when the Governor or the Legislature proclaims a state of emergency or declaration of disaster either pursuant to NRS 414.070 or pursuant to a declaration of the President of the United States ~~that declares~~ that a state of emergency exists in this State or any other state; and

(2) Ending when the Governor or the Legislature terminates the proclamation of a state of emergency or ~~for declaration of disaster or the President of the United States terminates the declaration of a state of emergency.~~

Sec. 5. NRS 598.0903 is hereby amended to read as follows:

598.0903 As used in NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, *and sections 2, 3 and 4.7 of this act* have the meanings ascribed to them in those sections.

Sec. 5.5. NRS 598.0953 is hereby amended to read as follows:

598.0953 1. Evidence that a person has engaged in a deceptive trade practice is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

2. The deceptive trade practices listed in NRS 598.0915 to 598.0925, inclusive, *and sections 2 and 4.7 of this act* are in addition to and do not limit the types of unfair trade practices actionable at common law or defined as such in other statutes of this State.

Sec. 5.7. NRS 598.0955 is hereby amended to read as follows:

598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act* do not apply to:

(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.

(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.

(c) Actions or appeals pending on July 1, 1973.

2. The provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act* do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and sections 2 to 4.7, inclusive, of this act*.

Sec. 6. NRS 598.096 is hereby amended to read as follows:

598.096 When the Commissioner, Director or Attorney General has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he may:

1. Request the person to file a statement or report in writing under oath or otherwise, on such forms as may be prescribed by the Commissioner, Director

or Attorney General, as to all facts and circumstances concerning the sale or advertisement of property by the person, and such other data and information as the Commissioner, Director or Attorney General may deem necessary.

2. Examine under oath any person in connection with the sale or advertisement of any property.

3. Examine any property or sample thereof, record, book, document, account or paper as he may deem necessary.

4. Make true copies, at the expense of the ~~the Department of Business and Industry,~~ *Consumer Affairs Division*, of any record, book, document, account or paper examined pursuant to subsection 3, which copies may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.097 and 598.0979.

5. Pursuant to an order of any district court, impound any sample of property which is material to the deceptive trade practice and retain the property in his possession until completion of all proceedings as provided in NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and sections 2 to 4.7, inclusive, of this act.* An order may not be issued pursuant to this subsection unless:

(a) The Commissioner, Director or Attorney General, and the court give the accused full opportunity to be heard; and

(b) The Commissioner, Director or Attorney General proves by clear and convincing evidence that the business activities of the accused will not be impaired thereby.

Sec. 6.5. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and sections 2 to 4.7, inclusive, of this act.* The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to

obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 7. NRS 598.0966 is hereby amended to read as follows:

598.0966 1. There is hereby created a Revolving Account for the ~~{Consumer Affairs Division of the Department of Business and Industry}~~ *Division* in the sum of \$7,500, which must be used for the payment of expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice.

2. The Commissioner shall deposit the money in the Revolving Account in a bank or credit union qualified to receive deposits of public money as provided by law, and the deposit must be secured by a depository bond satisfactory to the State Board of Examiners.

3. The Commissioner or his designee may:

- (a) Sign all checks drawn upon the Revolving Account; and
- (b) Make withdrawals of cash from the Revolving Account.

4. Payments made from the Revolving Account must be promptly reimbursed from the legislative appropriation, if any, to the ~~{Consumer Affairs}~~ *Division* for the expenses related to conducting an undercover investigation of a person who is allegedly engaging in a deceptive trade practice. The claim for reimbursement must be processed and paid as other claims against the State are paid.

5. The Commissioner shall:

- (a) Approve any disbursement from the Revolving Account; and
- (b) Maintain records of any such disbursement.

Sec. 7.5. NRS 598.0967 is hereby amended to read as follows:

598.0967 1. The Commissioner and the Director, in addition to other powers conferred upon them by NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act*, may issue subpoenas to require the attendance of witnesses or the production of documents, conduct hearings in aid of any investigation or inquiry and prescribe such forms and adopt such regulations as may be necessary to administer the provisions of NRS 598.0903 to 598.0999, inclusive ~~{-}~~, *and sections 2 to 4.7, inclusive, of this act*. Such regulations may include, without limitation, provisions concerning the applicability of the provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act* to particular persons or circumstances.

2. Service of any notice or subpoena must be made as provided in N.R.C.P. 45(c).

Sec. 7.7. NRS 598.0971 is hereby amended to read as follows:

598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act*, the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.

2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act*, or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Commissioner determines in the report that such a violation has occurred, he may order the violator to:

(a) Cease and desist from engaging in the practice or other activity constituting the violation;

(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive ~~to 598.0999~~, *and sections 2 to 4.7, inclusive, of this act*; and

(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.

➡ The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.

3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.

4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his principal place of business requesting the court to enforce

the provisions of the order or to provide any other appropriate injunctive relief.

5. If the court finds that:

(a) The violation complained of is a deceptive trade practice;  
(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and

(c) The findings of the Commissioner are supported by the weight of the evidence,

→ the court shall issue an order enforcing the provisions of the order of the Commissioner.

6. Except as otherwise provided in NRS 598.0974, an order issued pursuant to subsection 5 may include:

(a) A provision requiring the payment to the Commissioner of a penalty of not more than \$5,000 for each act amounting to a failure to comply with the Commissioner's order; or

(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.

7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.

8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.

Sec. 8. NRS 598.0975 is hereby amended to read as follows:

598.0975 1. Except as otherwise provided in subsection 1 of NRS 598.0999 and subsection 3, all fees, civil penalties and any other money collected pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, and sections 2 to 4.7, inclusive, of this act:

(a) In an action brought by the Attorney General, Commissioner or Director, must be deposited in the State General Fund and may only be used to offset the costs of administering and enforcing the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, and sections 2 to 4.7, inclusive, of this act.

(b) In an action brought by the district attorney of a county, must be deposited with the county treasurer of that county and accounted for separately in the county general fund.

2. Money in the account created pursuant to paragraph (b) of subsection 1 must be used by the district attorney of the county for:

(a) The investigation and prosecution of deceptive trade practices against elderly or disabled persons; and

(b) Programs for the education of consumers which are directed toward elderly or disabled persons, law enforcement officers, members of the judicial system, persons who provide social services and the general public.

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

(a) Criminal fines imposed pursuant to NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and sections 2 to 4.7, inclusive, of this act*; or

(b) Restitution ordered pursuant to NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act* in an action brought by the Attorney General. Money collected for restitution ordered in such an action must be deposited by the Attorney General and credited to the appropriate account of the ~~[Consumer Affairs Division of the Department of Business and Industry]~~ Division or the Attorney General for distribution to the person for whom the restitution was ordered.

Sec. 9. NRS 598.0985 is hereby amended to read as follows:

598.0985 Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, and notwithstanding the enforcement powers granted to the Commissioner or Director pursuant to NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act*, whenever the district attorney of any county has reason to believe that any person is using, has used or is about to use any deceptive trade practice, knowingly or otherwise, he may bring an action in the name of the State of Nevada against that person to obtain a temporary or permanent injunction against the deceptive trade practice.

Sec. 10. NRS 598.0993 is hereby amended to read as follows:

598.0993 The court in which an action is brought pursuant to NRS 598.0979 and 598.0985 to 598.099, inclusive, may make such additional orders or judgments as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any deceptive trade practice which violates any of the provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act*, but such additional orders or judgments may be entered only after a final determination has been made that a deceptive trade practice has occurred.

Sec. 11. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act* upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive ~~[-]~~, *and sections 2 to 4.7, inclusive, of this act*.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act*, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the

Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second offense, is guilty of a gross misdemeanor.

(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

↪ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.

5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act*, 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

↪ The court may grant or deny the relief sought or may order other appropriate relief.

Sec. 12. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and sections 2 to 4.7, inclusive, of this act*, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without his fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution of the facts constituting the concealment or false statement.



4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his official capacity and in virtue of his office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 13. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;  
(b) An unlawful act as defined in NRS 205.2747;  
(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;  
(d) An act prohibited by NRS 482.351; or  
(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive ~~[-], and sections 2 and 4.7 of this act.~~

3. If the claimant is the prevailing party, the court shall award him:

(a) Any damages that he has sustained; and  
(b) His costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 18.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 43.

The following Assembly amendment was read:

Amendment No. 840.

"SUMMARY—Revises provisions relating ~~to an unauthorized speed contest on a public highway.~~ certain traffic offenses. (BDR 43-435)"

"AN ACT relating to traffic laws; prohibiting a person from organizing an unauthorized speed contest on a public highway; increasing the penalty for driving a vehicle in willful or wanton disregard of the safety of persons or property; increasing the penalty for driving a vehicle in an unauthorized speed contest on a public highway; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, a person who drives a vehicle in willful or wanton disregard of the safety of persons or property or who drives a vehicle in an unauthorized speed contest on a public highway is guilty of a misdemeanor and may be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment. In lieu of all or a part of the punishment, the convicted person may be sentenced to perform a fixed period of community service. (NRS 193.150, 484.377) Section 3 of this bill increases the penalty for committing ~~such an~~ either offense by establishing, in addition to the possibility of imprisonment in the county jail, a minimum fine of ~~[\$400]~~ \$250 for the first offense, ~~[\$750]~~ \$1,000 for the second offense and ~~[\$1,000]~~ \$1,500 for the third and each subsequent offense. ~~[as well as requiring a]~~ A person convicted of ~~such an offense~~ driving a vehicle in an unauthorized speed contest on a public highway is also required to perform a minimum number of hours of community service. In addition to any fine, community service and imprisonment imposed upon a person convicted of driving a vehicle in an unauthorized speed contest on a public highway, the court must issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and, for the first offense, must issue an order impounding for 15 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. For the second and each subsequent offense, the court must issue an order impounding for 30 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. Section 3 also prohibits a person from organizing an unauthorized speed contest on a public highway and imposes the same penalties for such a

violation as for a person who drives a vehicle in an unauthorized speed contest on a public highway.

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

Section 1. 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}~~ 5 of NRS 484.377.

(2) A violation of NRS 484.379 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 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. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

➡ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

(I) 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; or

(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection ~~[2]~~ 5 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384;

(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 driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 3. NRS 484.377 is hereby amended to read as follows:

484.377 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) *Organize an unauthorized speed contest on a public highway.*

→ A violation of *paragraph (a) or (b)* of this subsection or subsection 1 of NRS 484.348 constitutes reckless driving.

2. *A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.*

*(a) For the first offense, shall be punished:*

*(1) By a fine of not less than \$250 but not more than \$1,000; or*

*(2) By both fine and imprisonment in the county jail for not more than 6 months.*

*(b) For the second offense, shall be punished:*

*(1) By a fine of not less than \$1,000 but not more than \$1,500; or*

*(2) By both fine and imprisonment in the county jail for not more than 6 months.*

*(c) For the third and each subsequent offense, shall be punished:*

*(1) By a fine of not less than \$1,500 but not more than \$2,000; or*

*(2) By both fine and imprisonment in the county jail for not more than 6 months.*

3. A person who violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than ~~\$400~~ \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than ~~[\$750]~~ \$1,000 but not more than ~~[\$1,000;]~~ \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of ~~[\$1,000;]~~ not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

4. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 3, the court shall:

(a) Issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), forward to the Department any licenses, together with a copy of the order; ~~and;~~

(c) For the first offense, issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

5. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484.348, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to a person other than himself, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years ~~[, or]~~ and by a fine of not ~~less than \$2,000 but not more than \$5,000.~~ less than \$2,000 but not more than \$5,000. ~~[, or by both fine and imprisonment.]~~

~~[3.]~~ 6. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.

7. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Senator Nolan moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 43.

Remarks by Senator Nolan.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 131.

The following Assembly amendment was read:

Amendment No. 964.

"SUMMARY—Makes various changes regarding certain court fees charged by county clerks. (BDR 2-385)"

"AN ACT relating to governmental administration; authorizing each county clerk to charge and collect an additional fee to pay for the acquisition and improvement of technology used in the office of the county clerk; ~~increasing the amount of certain court fees charged and collected by county clerks;~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires each county clerk to charge and collect certain fees relating to certain civil actions and proceedings in district court. (NRS 19.013-19.0335) Section 2 of this bill ~~increases certain fees charged and collected by each county clerk and~~ authorizes each county clerk to charge and collect an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. The additional fee, if charged and collected, must be credited to an account described in section 1 of this bill. (NRS 19.013) Section 1 provides that if a county clerk charges and collects an additional fee for filing and recording a bond of a notary public, the proceeds must be accounted for separately in the county general fund and the money in the account must be used only to acquire technology for or to improve technology used in the office of the county clerk.

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

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

1. *If a county clerk imposes an additional fee pursuant to subsection 2 of NRS 19.013, the proceeds collected from such a fee must be accounted for separately in the county general fund. Any interest earned on money in the account, after deducting any applicable charges, must be credited to the account. Money that remains in the account at the end of a fiscal year does not revert to the county general fund, and the balance in the account must be carried forward to the next fiscal year.*

2. *The money in the account must be used only to acquire technology for or to improve technology used in the office of the county clerk, including, without limitation, costs related to acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the*



*technology and contracting for professional services relating to the technology.*

Sec. 2. NRS 19.013 is hereby amended to read as follows:

19.013 1. Except as otherwise provided by specific statute, each county clerk shall charge and collect the following fees:

On the commencement of any action or proceeding in the district court, or on the transfer of any action or proceeding from a district court of another county, except probate or guardianship proceedings, to be paid by the party commencing the action, proceeding or transfer ..... \$56 ~~/\$70/~~

On an appeal to the district court of any case from a justice court or a municipal court, or on the transfer of any case from a justice court or a municipal court..... 42 ~~/\$52/~~

On the filing of a petition for letters testamentary, letters of administration, setting aside an estate without administration, or a guardianship, which fee includes the court fee prescribed by NRS 19.020, to be paid by the petitioner:

Where the stated value of the estate is more than \$2,500 ..... 72 ~~/\$85/~~

Where the stated value of the estate is \$2,500 or less, no fee may be charged or collected.

On the filing of a petition to contest any will or codicil, to be paid by the petitioner ..... 44 ~~/\$55/~~

On the filing of an objection or cross-petition to the appointment of an executor, administrator or guardian, or an objection to the settlement of account or any answer in an estate or guardianship matter ..... 44 ~~/\$55/~~

On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by him or them ..... 44 ~~/\$55/~~

For filing a notice of appeal ..... 24 ~~/\$30/~~

For issuing a transcript of judgment and certifying thereto..... 3

For preparing any copy of any record, proceeding or paper, for each page..... 1

For each certificate of the clerk, under the seal of the court..... 3

For examining and certifying to a copy of any paper, record or proceeding prepared by another and presented for his certificate ..... 5

For filing all papers not otherwise provided for, other than papers filed in actions and proceedings in court and papers filed by public officers in their official capacity..... 5

For issuing any certificate under seal, not otherwise provided for..... 6

For searching records or files in his office, for each year ..... 1  
 For filing and recording a bond of a notary public, per name ..... 15  
 For entering the name of a firm or corporation in the register  
 of the county clerk ..... 20

2. *A county clerk may charge and collect, in addition to any fee that a county clerk is otherwise authorized to charge and collect, an additional fee not to exceed \$5 for filing and recording a bond of a notary public, per name. On or before the fifth day of each month, the county clerk shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection for credit to the account established pursuant to section 1 of this act.*

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk.

~~{3-}~~ 4. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

~~{4-}~~ 5. No fee may be charged to any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or his attorney in any criminal case or in habeas corpus proceedings.

~~{5-}~~ 6. Each county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2007 ~~to~~ and expires by limitation on July 1, 2013.

Senator Raggio moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 131.

Remarks by Senator Raggio.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 401.

The following Assembly amendment was read:

Amendment No. 926.

"SUMMARY—\_Requiring the Secretary of State ~~to report certain information~~ and the county clerks to provide certain reports concerning elections to the Legislature. (BDR 24-248)"

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

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

Legislative Counsel's Digest:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Cegavske moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 401.

Remarks by Senator Cegavske.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 412.

The following Assembly amendment was read:

Amendment No. 983.

"SUMMARY—Makes various changes regarding health care. (BDR 54-540)"

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

Legislative Counsel's Digest:

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

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

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

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

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

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

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

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

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

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

Existing law provides for the certification of osteopathic physician's assistants by the State Board of Osteopathic Medicine. (NRS 633.101, 633.431, 633.441, 633.451) Section 37 of this bill changes the title of "osteopathic physician's assistant" to "physician assistant." Sections 29 and 30 of this bill provide for the licensure, rather than certification, of such

physician assistants. Sections 16, 17, 22, 36, 37, 39, 40, 43, 49, 53, 55, 58, 69, 71 and 84-118 of this bill amend various statutes in accordance with these changes.

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

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

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

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

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

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

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

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

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

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

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

- (a) Is a graduate of a foreign medical school;*
- (b) Teaches, researches or practices medicine outside the United States;*
- (c) Is a recognized medical expert; and*
- (d) Intends to teach, research or practice clinical medicine at a medical research facility or medical school in this State.*

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

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

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

~~3. *A person who applies for a restricted license is not required to take or pass a written examination concerning his qualifications to practice*~~

medicine, but the person must satisfy the requirements for a restricted license set forth in regulations adopted by the Board.

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

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

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

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

~~4.4~~ 5. The Board may renew or modify a restricted license issued pursuant to this section, unless the restricted license has expired automatically or has been revoked.

~~5.7~~ 6. The provisions of this section do not limit the authority of the Board to issue a restricted license to an applicant in accordance with any other provision of this chapter.

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

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

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

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

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

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

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

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

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

(a) Enforce the provisions of this chapter;

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

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



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

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

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

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

(b) Information reported to the Board during the previous biennium pursuant to NRS ~~[630.3065]~~ 630.3067, 630.3068, subsections 2 and 3 of NRS 630.307 and NRS 690B.250 and 690B.260 ~~;~~ *and*

*(c) Information reported to the Board during the previous biennium pursuant to NRS 630.3065, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.*

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

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

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

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

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

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

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

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

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

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

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

(2) All parts of the Federation Licensing Examination;

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

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

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

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

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family practice and who agrees to maintain certification in at least one of these specialties for the duration of his licensure, or:

(1) Has completed 36 months of progressive postgraduate:

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

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

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

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

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

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

~~{1-}~~ (a) At the time the applicant files his application with the Board, the license is in effect ~~};~~

~~2.—The applicant:~~

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

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

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

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

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

(b) *The applicant:*

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

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

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

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

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

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

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

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

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

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

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

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

~~(b) Reporting]~~

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

~~[(2)]~~ 3. Each holder of a license to practice medicine shall submit the report required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1. Failure to submit a report or

knowingly filing false information in a report constitutes grounds for initiating disciplinary action ~~¶~~ pursuant to subsection 8 of NRS 630.306.

~~§~~ 4. The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and  
(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

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

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

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

8. As used in this section:

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

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

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

(d) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry

a significant chance of serious adverse outcome. The term includes loss of limb or function.

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

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

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

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

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

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

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

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

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

#### ~~Nurse Licensure Compact~~

#### ~~ARTICLE I. Findings and Declaration of Purpose~~

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

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

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

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

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

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

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

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

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

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

~~(4) Promote compliance with the laws governing the practice of nursing in each jurisdiction;~~

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

## ~~ARTICLE II. Definitions~~

~~As used in this Compact:~~

~~(a) "Adverse action" means a home or remote state action;~~

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

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

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

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

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

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

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

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

~~(h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take~~

~~actions against the nurse's privilege such as revocation, suspension, probation or any other action which affects a nurse's authorization to practice.~~

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

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

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

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

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

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

### ~~ARTICLE III. General Provisions and Jurisdiction~~

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

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

~~(c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care,~~

~~but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.~~

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

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

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

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

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

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

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

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

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

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

#### ~~ARTICLE V. Adverse Actions~~

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

~~(a) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote~~



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

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

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

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

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

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

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

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

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

~~(b) Issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court.~~

~~applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located.~~

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

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

#### ~~ARTICLE VII.—Coordinated Licensure Information System~~

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

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

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

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

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

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

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

#### ~~ARTICLE VIII.—Compact Administration and Interchange of Information~~

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

~~(b) The Compact administrator of each party state shall furnish to the Compact administrator of each other party state any information and~~

~~documents, including, but not limited to, a uniform data set of investigations, identifying information, licensure data and disclosable alternative program participation information to facilitate the administration of this Compact.~~

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

#### ~~ARTICLE IX. Immunity~~

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

#### ~~ARTICLE X. Entry into Force, Withdrawal and Amendment~~

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

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

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

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

#### ~~ARTICLE XI. Construction and Severability~~

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

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

~~(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the Compact administrator in the home state, an individual appointed by the Compact administrator in the remote state(s) involved and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.~~

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

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

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

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

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

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

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

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

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

632.030 1. The Governor shall appoint:

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

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

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

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

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

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

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

2. Each member of the Board must be:

(a) A citizen of the United States; and

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

3. A representative of the general public may not:

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

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

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

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

(a) In administration.

(b) In education.

(c) As an advanced practitioner of nursing.

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

(e) In a licensed medical facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~7. Nonmedical nursing for the care of the sick, with or without compensation, if done by the adherents of, or in connection with, the practice of the religious tenets of any well recognized church or religious~~

~~denomination, if that nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an

administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

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

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

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

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

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

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

(j) Any social worker.

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

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

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

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

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

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

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

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

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

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

2. ~~Such a person must:~~

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



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

~~3.1~~ 3.1 A person who applies for a special license is not required to take or pass a written examination concerning his qualifications to practice osteopathic medicine, but the person must satisfy the requirements for a special license set forth in regulations adopted by the Board.

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

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

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

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

~~4.1~~ 5. The Board may renew or modify a special license issued pursuant to this section, unless the special license has expired automatically or has been revoked.

~~5.1~~ 6. The provisions of this section do not limit the authority of the Board to issue a special license to an applicant in accordance with any other provision of this chapter.

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

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

(b) The applicant:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. *The procedures for applications for and the issuance of licenses.*
4. *The tests or examinations of applicants by the Board.*
5. *The medical services which a physician assistant may perform, except that he may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.*
6. *The duration, renewal and termination of licenses.*
7. *The grounds and procedures respecting disciplinary actions against physician assistants.*
8. *The supervision of medical services of a physician assistant by a supervising osteopathic physician.*

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

- (a) *Keep his license available for inspection at his primary place of business; and*
  - (b) *When engaged in his professional duties, identify himself as a physician assistant.*
2. *A physician assistant shall not bill a patient separately from his supervising osteopathic physician.*

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

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

- (a) *Requires an osteopathic physician to act as a supervising osteopathic physician for a physician assistant;*
- (b) *Penalizes an osteopathic physician for refusing to act as a supervising osteopathic physician for a physician assistant; or*
- (c) *Limits a supervising osteopathic physician's authority with regard to any protocol, standing order or delegation of authority applicable to a physician assistant supervised by the osteopathic physician,*  
➡ *is against public policy and is void.*

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

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

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

3. *A supervising osteopathic physician shall provide supervision to his physician assistant in person at all times during the first 30 days that the supervising osteopathic physician supervises the physician assistant. After*

*the first 30 days, the supervising osteopathic physician shall not regularly maintain the physician assistant at a different site than the supervising osteopathic physician. The provisions of this subsection do not apply to a federally qualified health center.*

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

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

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

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

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

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

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

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

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

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

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

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

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

*633.131 1. "Unprofessional conduct" includes:*

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

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

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

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

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

(f) Engaging in any:

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

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

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

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

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

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

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

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

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

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

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

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

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

2. It is not unprofessional conduct:

(a) For persons holding valid licenses *to practice osteopathic medicine* issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses *to practice osteopathic medicine* issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each; or

(c) For a person licensed *to practice osteopathic medicine* pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

Sec. 39. NRS 633.151 is hereby amended to read as follows:

633.151 The purpose of licensing osteopathic physicians and ~~osteopathic physicians~~ *physician* assistants is to protect the public health and safety and the general welfare of the people of this State. Any license issued pursuant to this chapter is a revocable privilege and a holder of such a license does not acquire thereby any vested right.

Sec. 39.5. NRS 633.286 is hereby amended to read as follows:

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

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

(b) Information reported to the Board during the previous biennium pursuant to NRS ~~633.524~~, 633.526, 633.527, subsections 2 and 3 of NRS 633.533 and NRS 690B.250 and 690B.260 ~~;~~ and

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

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

Sec. 40. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date

and number of the license of every osteopathic physician *and every physician assistant* licensed under this chapter.

2. Except as otherwise provided in this section, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 41. NRS 633.321 is hereby amended to read as follows:

633.321 1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that he meets ~~the~~ any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in this chapter.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if it appears that any credential submitted is false.

Sec. 42. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure ~~to~~ *to practice osteopathic medicine*, an applicant shall cause to be submitted to the Board a certificate of completion of progressive postgraduate training from the residency program where the applicant received training.

Sec. 43. NRS 633.328 is hereby amended to read as follows:

633.328 In addition to any other requirements set forth in this chapter, each applicant for a license, ~~to practice osteopathic medicine,~~ except a temporary or special license, ~~for each osteopathic physician's assistant for whom an application to employ an osteopathic physician's assistant is submitted to the Board,~~ must submit to the Board a complete set of his

fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 44. NRS 633.371 is hereby amended to read as follows:

633.371 Every license *to practice osteopathic medicine* must be displayed in the office or place of business or employment of its holder.

Sec. 45. NRS 633.391 is hereby amended to read as follows:

633.391 1. The Board may issue a temporary license *to practice osteopathic medicine in order* to authorize a person who is qualified to practice osteopathic medicine in this State to serve as a substitute for ~~him~~ :

(a) A physician licensed pursuant to chapter 630 of NRS; or

(b) An osteopathic physician licensed pursuant to chapter 633 of NRS,

who is absent from his practice.

2. Each applicant for such a license shall pay the temporary license fee specified in this chapter.

3. A temporary license *to practice osteopathic medicine* is valid for not more than 6 months after issuance and is not renewable.

Sec. 46. NRS 633.401 is hereby amended to read as follows:

633.401 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license ~~to~~ *to practice osteopathic medicine*:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while he is enrolled in a postgraduate training program required pursuant to the provisions of paragraph (c) of subsection 4 of NRS 633.311.

(c) For a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. A special license issued under this section may be renewed by the Board upon application of the licensee.

3. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 47. NRS 633.411 is hereby amended to read as follows:

633.411 1. Except as otherwise provided in NRS 633.315, the Board may issue a special license *to practice osteopathic medicine* to a person qualified under this section to authorize him to serve:

(a) As a resident medical officer in any hospital in Nevada. A person issued such a license shall practice osteopathic medicine only within the confines of the hospital specified in the license and under the supervision of the regular medical staff of that hospital.

(b) As a professional employee of the State of Nevada or of the United States. A person issued such a license shall practice osteopathic medicine



only within the scope of his employment and under the supervision of the appropriate state or federal medical agency.

2. An applicant for a special license under this section must:

(a) Be a graduate of a school of osteopathic medicine and have completed a hospital internship.

(b) Pay the special license fee specified in this chapter.

3. The Board shall not issue a license under subsection 1 unless it has received a letter from a hospital in Nevada or from the appropriate state or federal medical agency requesting issuance of the special license to the applicant.

4. A special license issued under this section:

(a) Must be issued at a meeting of the Board or between its meetings by its President and Secretary subject to approval at the next meeting of the Board.

(b) Is valid for a period not exceeding 1 year, as determined by the Board.

(c) May be renewed by the Board upon application and payment by the licensee of the special license renewal fee specified in this chapter.

(d) Does not entitle the licensee to engage in the private practice of osteopathic medicine.

5. The issuance of a special license under this section does not obligate the Board to grant any regular license to practice osteopathic medicine.

Sec. 48. NRS 633.421 is hereby amended to read as follows:

633.421 Each license *to practice osteopathic medicine* issued by the Board:

1. Shall bear a seal adopted by the Board and the signatures of its President and Secretary; and

2. Authorizes the holder to practice osteopathic medicine so long as it is kept in force by appropriate renewal and is not revoked or suspended.

Sec. 49. NRS 633.466 is hereby amended to read as follows:

633.466 1. ~~[An osteopathic physician's]~~ *A physician* assistant may ~~[under his certificate,]~~ be supervised by a physician licensed to practice medicine in this State *pursuant to chapter 630 of NRS* in place of his ~~[employing]~~ *supervising* osteopathic physician if:

(a) The ~~[osteopathic physician's]~~ *physician* assistant works in a geographical area where he can be conveniently supervised only by *such a* physician; *and*

(b) The ~~[osteopathic physician's assistant remains in the employ of his employing osteopathic physician;~~

~~(c) The employing supervising osteopathic physician and the physician licensed pursuant to chapter 630 of NRS agree to the arrangement . [; and]~~

~~[(d) The Board of Osteopathic Medicine and the Board of Medical Examiners approve it.]~~

2. ~~[For the purposes of chapter 630 of NRS, an osteopathic physician's]~~ *A physician* assistant so supervised is not a ~~[physician's]~~ *physician* assistant *for the purposes of chapter 630 of NRS* solely because of that supervision . ~~[and continues to practice osteopathic medicine.]~~

3. The *State Board of Osteopathic Medicine* shall adopt jointly with the Board of Medical Examiners regulations necessary to administer the provisions of this section.

Sec. 50. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 4 and ~~in~~ NRS 633.491, every holder of a license *to practice osteopathic medicine* issued under this chapter, except a temporary or a special license, may renew his license on or before January 1 of each calendar year after its issuance by:

- (a) Applying for renewal on forms provided by the Board;
- (b) Paying the annual license renewal fee specified in this chapter;
- (c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him during the previous year;

- (d) Submitting an affidavit to the Board that in the year preceding the application for renewal he has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

- (e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee *of the practice of osteopathic medicine* of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license ~~to~~ *to practice osteopathic medicine*. Upon a request from the Board, an applicant for renewal of a license *to practice osteopathic medicine* shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal he attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 51. NRS 633.481 is hereby amended to read as follows:

633.481 1. Except as otherwise provided in subsection 2, if a licensee *of the practice of osteopathic medicine* fails to comply with the requirements of NRS 633.471 within 30 days after the renewal date, the Board shall give 30 days' notice of failure to renew and of revocation of *the* license by certified mail to the licensee at his last address registered with the Board. If the license is not renewed before the expiration of the 30 days' notice, the license is automatically revoked without any further notice or a hearing and the Board shall file a copy of the notice with the Drug Enforcement

Administration of the United States Department of Justice or its successor agency.

2. A licensee *of the practice of osteopathic medicine* who fails to meet the continuing education requirements for license renewal may apply to the Board for a waiver of the requirements. The Board may grant a waiver for that year only if it finds that the failure is due to the licensee's disability, military service or absence from the United States, or to circumstances beyond the control of the licensee which are deemed by the Board to excuse the failure.

3. A person whose license is revoked under this section may apply to the Board for restoration of his license upon:

(a) Payment of all past due renewal fees and the late payment fee specified in this chapter;

(b) Producing verified evidence satisfactory to the Board of completion of the total number of hours of continuing education required for the year preceding the renewal date and for each year succeeding the date of revocation;

(c) Stating under oath in writing that he has not withheld information from the Board which if disclosed would furnish grounds for disciplinary action under this chapter; and

(d) Submitting all information required to complete the restoration of his license.

Sec. 52. NRS 633.491 is hereby amended to read as follows:

633.491 1. A licensee *of the practice of osteopathic medicine* who retires from ~~the practice of osteopathic medicine~~ *such practice* need not annually renew his license after he files with the Board an affidavit stating the date on which he retired from practice and such other facts to verify his retirement as the Board deems necessary.

2. A retired licensee *of the practice of osteopathic medicine* who desires to return to practice may apply to renew his license by paying all back annual license renewal fees from the date of retirement and submitting verified evidence satisfactory to the Board that he has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if he has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if he has been retired for more than 1 year.

3. A licensee *of the practice of osteopathic medicine* who wishes to have his license placed on inactive status must provide the Board with an affidavit stating the date on which he will cease the practice of osteopathic medicine in Nevada and any other facts that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.

4. A licensee *of the practice of osteopathic medicine* whose license has been placed on inactive status:

- (a) Need not annually renew his license.
- (b) Shall annually pay the inactive license fee prescribed by NRS 633.501.
- (c) Shall not engage in the practice of osteopathic medicine in this State.

5. A licensee *of the practice of osteopathic medicine* whose license is on inactive status and who wishes to renew his license to practice osteopathic medicine must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The year preceding the date of the application for renewal of the license to practice osteopathic medicine; and

(2) Each year succeeding the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would provide grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 53. NRS 633.501 is hereby amended to read as follows:

633.501 The Board shall charge and collect fees not to exceed the following amounts:

1. Application and initial license fee *for an osteopathic physician* .....\$800
2. Annual license renewal fee *for an osteopathic physician* ..... 500
3. Temporary license fee ..... 500
4. Special license fee ..... 200
5. Special license renewal fee ..... 200
6. Reexamination fee ..... 200
7. Late payment fee ..... 300
8. ~~For a certificate as an osteopathic physician's~~ Application and initial license fee for a physician assistant ..... ~~{500}~~ 400
9. ~~Renewal of a certificate as an osteopathic physician's~~ Annual license renewal fee for a physician assistant ..... ~~{300}~~ 400
10. ~~For an application to employ an osteopathic physician's assistant~~ ..... 500
- ~~11.~~ Inactive license fee ..... 200

Sec. 54. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license *to practice osteopathic medicine* issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report ~~for~~

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

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

~~[(2)]~~ (b) Outside of this State ~~and~~  
~~(b) Reporting~~

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice osteopathic medicine to submit a report annually to the Board concerning the occurrence of any sentinel event arising from any ~~such~~ surgery ~~and~~

~~2.1~~ described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the Administrator of the Health Division of the Department of Health and Human Services for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice osteopathic medicine shall submit the report required pursuant to subsections 1 and 2 whether or not he performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action ~~and~~ pursuant to NRS 633.511.

~~[(3)]~~ 4. The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and  
(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

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

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

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

8. As used in this section:

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

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

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

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

Sec. 55. NRS 633.533 is hereby amended to read as follows:

633.533 1. Any person, medical school or medical facility that becomes aware that a person practicing osteopathic medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

2. Any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in an osteopathic physician's privileges to practice osteopathic medicine while the osteopathic physician is under investigation and the outcome of any disciplinary action taken by that facility or society against the osteopathic physician concerning the care of a patient or the competency of the osteopathic physician within 30 days after the change in privileges is made or disciplinary action is taken. The Board shall report any failure to comply with this subsection by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than \$10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or ~~osteopathic physician's~~ physician assistant:

(a) Is mentally ill;

- (b) Is mentally incompetent;
- (c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;
- (d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or
- (e) Is liable for damages for malpractice or negligence,  
 ➔ within 45 days after such a finding, judgment or determination is made.

4. On or before January 15 of each year, the clerk of every court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding osteopathic physicians pursuant to paragraph (e) of subsection 3.

Sec. 56. NRS 633.711 is hereby amended to read as follows:

633.711 1. The Board through its President or Secretary or the Attorney General may maintain in any court of competent jurisdiction a suit for an injunction against any person practicing osteopathic medicine without a license *to practice osteopathic medicine* valid under this chapter.

2. Such an injunction:

- (a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.
- (b) Shall not relieve such person from criminal prosecution for practicing without *such* a license.

Sec. 57. NRS 633.721 is hereby amended to read as follows:

633.721 In a criminal complaint charging any person with practicing osteopathic medicine without a license ~~to~~ *to practice osteopathic medicine*, it is sufficient to charge that he did, upon a certain day, and in a certain county of this State, engage in the practice of osteopathic medicine without having a valid license to do so, without averring any further or more particular facts concerning the violation.

Sec. 58. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Except as otherwise provided in NRS 629.091, practices osteopathic medicine:

- (a) Without a license *to practice osteopathic medicine* valid under this chapter; or
- (b) Beyond the limitations ordered upon his practice by the Board or the court;

2. Presents as his own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license ; ~~for an application to employ an osteopathic physician's assistant;~~

4. Files for record the license issued to another, falsely claiming himself to be the person named in the license, or falsely claiming himself to be the person entitled to the license;

5. Practices osteopathic medicine under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself out as ~~an osteopathic physician's~~ *a physician assistant* or who uses any other term indicating or implying that he is ~~an osteopathic physician's~~ *a physician assistant*, unless he has been ~~approved~~ *licensed* by the Board ~~as provided in this chapter~~; or

7. ~~Employs~~ *Supervises* a person as ~~an osteopathic physician's~~ *a physician assistant* before such ~~employment is approved~~ *person is licensed* as provided in this chapter,

↪ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 59. ~~Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 634.020 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter. (Deleted by amendment.)~~

Sec. 60. ~~Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to subsection 1 of NRS 634A.040 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter. (Deleted by amendment.)~~

Sec. 61. ~~Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 635.020 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter. (Deleted by amendment.)~~

Sec. 62. ~~Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 636.035 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter. (Deleted by amendment.)~~

Sec. 63. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 64 and 65 of this act.

Sec. 64. 1. *The Board shall issue a special license as a dispensing optician to an applicant who:*

*(a) Is at least 18 years of age;*

*(b) Is of good moral character;*

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

*(d) Is a graduate of an accredited high school or its equivalent;*

*(e) Has passed the National Opticianry Competency Examination of the American Board of Opticianry;*



- (f) *Is currently certified by the American Board of Opticianry;*
- (g) *Has passed the Contact Lens Registry Examination of the National Contact Lens Examiners;*
- (h) *Is currently certified by the National Contact Lens Examiners;*
- (i) *Has passed an examination, if one exists, which is based solely on the provisions of this chapter and chapter 637 of NAC and is administered by the Board; and*
- (j) *Has either:*
  - (1) *An active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or*
  - (2) *Not less than 5 years of experience as a dispensing optician.*

2. A person practicing ophthalmic dispensing pursuant to a special license as provided in this section is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal, inactivity or reactivation of a license.

Sec. 65. ~~[A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 637.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.] (Deleted by amendment.)~~

Sec. 66. ~~[Chapter 637A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (e) of subsection 1 of NRS 637A.035 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.] (Deleted by amendment.)~~

Sec. 67. ~~[Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (a) or (b) of subsection 2 of NRS 637B.100 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.] (Deleted by amendment.)~~

Sec. 68. ~~[Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 639.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.] (Deleted by amendment.)~~

Sec. 69. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State;
2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to

or administer drugs in the course of professional practice or research in this State;

3. An advanced practitioner of nursing who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. ~~[An osteopathic physician's]~~ A physician assistant who:

(a) Holds a ~~[certificate]~~ license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 70. NRS 639.030 is hereby amended to read as follows:

639.030 1. The Governor shall appoint:

(a) Six members who are registered pharmacists in the State of Nevada, are actively engaged in the practice of pharmacy in the State of Nevada and have had at least 5 years' experience as registered pharmacists preceding the appointment.

(b) One member who is a representative of the general public and is not related to a pharmacist registered in the State of Nevada by consanguinity or affinity within the third degree.

2. Appointments of registered pharmacists must be representative of the practice of pharmacy.

3. Within 30 days after his appointment, each member of the Board shall take and subscribe an oath to discharge faithfully and impartially the duties prescribed by this chapter.

4. After the initial terms, the members of the Board must be appointed to terms of 3 years. A person may not serve as a member of the Board for more than three consecutive terms. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~[section]~~ chapter to replace that member for the remainder of the unexpired term.

5. The Governor shall remove from the Board any member, after a hearing, for neglect of duty or other just cause.

Sec. 71. NRS 639.1373 is hereby amended to read as follows:

639.1373 1. A physician assistant *licensed pursuant to chapter 630 or 633 of NRS* ~~[or an osteopathic physician's assistant]~~ may, if authorized by the Board, possess, administer, prescribe or dispense controlled substances, or

possess, administer, prescribe or dispense poisons, dangerous drugs or devices in or out of the presence of his supervising physician only to the extent and subject to the limitations specified in the registration certificate issued to the physician assistant ~~for osteopathic physician's assistant, as appropriate,~~ by the Board pursuant to this section.

2. Each physician assistant *licensed pursuant to chapter 630 or 633 of NRS* ~~and osteopathic physician's assistant~~ who is authorized by his physician assistant's license issued by the Board of Medical Examiners or ~~certificate issued~~ by the State Board of Osteopathic Medicine, *respectively*, to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices must apply for and obtain a registration certificate from the Board, pay a fee to be set by regulations adopted by the Board and pass an examination administered by the Board on the law relating to pharmacy before he can possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices.

3. The Board shall consider each application separately and may, even though the physician assistant's license issued by the Board of Medical Examiners or ~~the osteopathic physician's assistant's certificate issued~~ by the State Board of Osteopathic Medicine authorizes the physician assistant ~~for osteopathic physician's assistant, as appropriate,~~ to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs and devices:

(a) Refuse to issue a registration certificate;

(b) Issue a registration certificate limiting the authority of the physician assistant ~~for osteopathic physician's assistant, as appropriate,~~ to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices, the area in which the physician assistant ~~for osteopathic physician's assistant~~ may possess controlled substances, poisons, dangerous drugs and devices, or the kind and amount of controlled substances, poisons, dangerous drugs and devices; or

(c) Issue a registration certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. If the registration of the physician assistant ~~for osteopathic physician's assistant~~ *licensed pursuant to chapter 630 or 633 of NRS* is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances and the maximum amount to be administered, possessed, prescribed and dispensed and the storage, security, recordkeeping and transportation of poisons, dangerous

drugs and devices by physician assistants ~~[and osteopathic physicians' assistants.]~~ *licensed pursuant to chapter 630 or 633 of NRS.* In the adoption of those regulations, the Board shall consider, but is not limited to, the following:

- (a) The area in which the physician assistant ~~[or osteopathic physician's assistant]~~ is to operate;
- (b) The population of that area;
- (c) The experience and training of the physician assistant ; ~~[or osteopathic physician's assistant;]~~
- (d) The distance to the nearest hospital and physician; and
- (e) The effect on the health, safety and welfare of the public.

6. For the purposes of this section, the term "supervising physician" includes ~~[an employing]~~ *a supervising osteopathic physician as defined in chapter 633 of NRS.*

Sec. 72. Chapter 640 of NRS is hereby amended by adding thereto the provisions set forth as sections 73 and 74 of this act.

Sec. 73. ~~[A member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 640.030 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.] (Deleted by amendment.)~~

Sec. 74. *The Board shall elect a Chairman and other officers from among its members.*

Sec. 75. ~~[Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (b) or (c) of subsection 2 of NRS 640A.080 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.] (Deleted by amendment.)~~

Sec. 76. NRS 640A.080 is hereby amended to read as follows:

640A.080 1. The Board of Occupational Therapy, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

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

- (1) An occupational therapist or an occupational therapy assistant; or
- (2) The spouse or the parent or child, by blood, marriage or adoption, of an occupational therapist or an occupational therapy assistant.

(b) One member who is an occupational therapist or occupational therapy assistant.

(c) Three members who are occupational therapists.

3. Each member of the Board must be a resident of Nevada. An occupational therapist or occupational therapy assistant appointed to the Board must:

(a) Have practiced, taught or conducted research in occupational therapy for the 5 years immediately preceding his appointment; and

(b) Except for the initial members, hold a license issued pursuant to this chapter.

4. No member of the Board may serve more than two consecutive terms.

5. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified under this ~~{section}~~ chapter to replace that member for the remainder of the unexpired term.

Sec. 77. ~~NRS 640B.180 is hereby amended to read as follows:~~

~~640B.180 1. For the appointment of any member to the Board pursuant to paragraph (a) of subsection 2 of NRS 640B.170, the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, submit to the Governor the names of not less than three persons or more than five persons who are qualified for membership on the Board for each such position. The Governor shall appoint new members or fill a vacancy from the list, or request a new list.~~

~~2. For the appointment of a member to the Board pursuant to paragraph (b) of subsection 2 of NRS 640B.170, the Nevada Physical Therapists Association, or its successor organization, and the Nevada Athletic Trainers Association, or its successor organization, shall, at least 30 days before the beginning of a term of a member of the Board, or within 30 days after a position on the Board becomes vacant, jointly prepare and submit to the Governor a list of the names of not less than three persons or more than five persons who are qualified for membership on the Board for that position. The Governor shall appoint a new member or fill a vacancy from the list, or request a new list.~~

~~3. If the Nevada Athletic Trainers Association or the Nevada Physical Therapists Association, or the successor of any such organization, fails to submit nominations for a position on the Board within the periods prescribed in this section, the Governor may appoint any qualified person.] 4 member of the Board described pursuant to paragraph (a) or (b) of subsection 2 of NRS 640B.170 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.] (Deleted by amendment.)~~

Sec. 78. ~~{Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~4 member of the Board described pursuant to paragraph (a) of subsection 2 of NRS 640C.150 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.] (Deleted by amendment.)~~

Sec. 79. NRS 640C.150 is hereby amended to read as follows:

640C.150 1. The Board of Massage Therapists is hereby created. The Board consists of seven members appointed pursuant to this ~~{section}~~ chapter and one nonvoting advisory member appointed pursuant to NRS 640C.160.

2. The Governor shall appoint to the Board seven members as follows:

(a) Six members who:

(1) Are licensed to practice massage therapy in this State; and

(2) Have engaged in the practice of massage therapy for the 2 years immediately preceding their appointment.

↪ Of the six members appointed pursuant to this paragraph, three members must be residents of Clark County, two members must be residents of Washoe County and one member must be a resident of a county other than Clark County or Washoe County.

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

(1) A massage therapist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a massage therapist.

3. ~~{The Governor may, in making his appointments to the Board pursuant to paragraph (a) of subsection 2, consider for appointment to the Board a person recommended to him by any person or group.~~

4.} The members who are appointed to the Board pursuant to paragraph (a) of subsection 2 must continue to practice massage therapy in this State while they are members of the Board.

~~{5.}~~ 4. After the initial terms, the term of each member of the Board is 4 years. A member may continue in office until the appointment of a successor.

~~{6.}~~ 5. A member of the Board may not serve more than two consecutive terms. A former member of the Board is eligible for reappointment to the Board if that person has not served on the Board during the 4 years immediately preceding the reappointment.

~~{7.}~~ 6. A vacancy must be filled by appointment for the unexpired term in the same manner as the original appointment.

~~{8.}~~ 7. The Governor may remove any member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 80. ~~{Chapter 641 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 641.040 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.} (Deleted by amendment.)~~

Sec. 81. ~~{Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (a) of subsection 1 of NRS 641A.100 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.} (Deleted by amendment.)~~

Sec. 82. ~~{Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to subsection 2 of NRS 641B.100 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.~~ (Deleted by amendment.)

Sec. 83. ~~[Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A member of the Board described pursuant to paragraph (a), (b) or (c) of subsection 2 of NRS 641C.150 must be selected pursuant to section 1 of this act in addition to any other requirements of this chapter.~~ (Deleted by amendment.)

Sec. 84. NRS 652.210 is hereby amended to read as follows:

652.210 No person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a ~~licensed~~ physician assistant ~~[, a certified osteopathic physician's assistant,]~~ licensed pursuant to chapter 630 or 633 of NRS, a certified intermediate emergency medical technician, a certified advanced emergency medical technician, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens, except that technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 85. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

- (1) A person who possesses some or all of the powers of a peace officer;
- (2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;
- (3) A member of a volunteer fire department;
- (4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a physician assistant ~~[,]~~ licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, ~~[an osteopathic physician's assistant,]~~ a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a

pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist and an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) of this subsection does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) of this subsection does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event, and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his duty or upon a sports official based on the performance of his duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon, or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of



not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 86. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging Services Division of the Department of Health and Human Services.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~+~~ *licensed pursuant to chapter 630 or 633 of NRS*, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

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

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

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

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

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

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

(j) Every social worker.

(k) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the Aging Services Division of the Department of Health and Human Services his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging Services Division of the Department of Health and Human Services, must be forwarded to the Aging Services Division within 90 days after the completion of the report.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 87. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant ~~and~~ *licensed pursuant to chapter 630 or 633 of NRS*, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

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

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

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

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

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

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner,

who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 88. NRS 244.1605 is hereby amended to read as follows:

244.1605 The boards of county commissioners may:

1. Establish, equip and maintain limited medical facilities in the outlying areas of their respective counties to provide outpatient care and emergency treatment to the residents of and those falling sick or being injured or maimed in those areas.

2. Provide a full-time or part-time staff for the facilities which may include a physician, a ~~licensed~~ physician assistant ~~[ ]~~ *licensed pursuant to chapter 630 or 633 of NRS*, a registered nurse or a licensed practical nurse, a certified emergency medical technician and such other personnel as the board deems necessary or appropriate to ensure adequate staffing commensurate with the needs of the area in which the facility is located.

3. Fix the charges for the medical and nursing care and medicine furnished by the facility to those who are able to pay for them, and to provide that care and medicine free of charge to those persons who qualify as medical indigents under the county's criteria of eligibility for medical care.

4. Purchase, equip and maintain, either in connection with a limited medical facility as authorized in this section or independent therefrom, ambulances and ambulance services for the benefit of the residents of and those falling sick or being injured or maimed in the outlying areas.

Sec. 89. NRS 244.3821 is hereby amended to read as follows:

244.3821 1. In addition to the powers elsewhere conferred upon all counties, except as otherwise provided in subsection 2, any county may establish a medical scholarship program to induce students in the medical professions to return to the county for practice.

2. Any county whose population is 100,000 or more may only establish a medical scholarship program to induce students in the medical professions to return to the less populous rural communities of the county for practice.

3. Students in the medical professions for the purposes of NRS 244.382 to 244.3823, inclusive, include persons studying to be physician assistants ~~[ ]~~ *licensed pursuant to chapter 630 or 633 of NRS*.

4. The board of county commissioners of a county that has established a medical scholarship program may appropriate money from the general fund of the county for medical scholarship funds and may accept private contributions to augment the scholarship funds.

Sec. 90. NRS 397.0617 is hereby amended to read as follows:

397.0617 1. The provisions of this section apply only to support fees received by a student on or after July 1, 1997.

2. The three Nevada State Commissioners, acting jointly, may require a student who is certified to study to practice in a profession which could benefit a medically underserved area of this State, as that term is defined by the Officer of Rural Health of the University of Nevada School of Medicine, to practice in such an area or to practice in an area designated by the Secretary of Health and Human Services:

(a) Pursuant to 42 U.S.C. § 254c, as containing a medically underserved population; or

(b) Pursuant to 42 U.S.C. § 254e, as a health professional shortage area, ➤ as a condition to receiving a support fee.

3. If a person agrees to practice in a medically underserved area of this State pursuant to subsection 2 for at least 2 years, the three Nevada State Commissioners, acting jointly, may forgive the portion of the support fee designated as the loan of the person.

4. If a person returns to this State but does not practice in a medically underserved area of this State pursuant to subsection 2 for at least 2 years, the three Nevada State Commissioners, acting jointly, shall assess a default charge in an amount not less than three times the portion of the support fee designated as the loan of the person, plus interest.

5. As used in this section, a "profession which could benefit a medically underserved area of this State" includes, without limitation, dentistry, physical therapy, pharmacy and practicing as a physician assistant ~~[-]~~ *licensed pursuant to chapter 630 or 633 of NRS.*

Sec. 91. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the

abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

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

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

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

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to an agency which provides child welfare services his written findings. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 92. NRS 433A.165 is hereby amended to read as follows:

433A.165 1. Before an allegedly mentally ill person may be transported to a public or private mental health facility pursuant to NRS 433A.160, the person must:

(a) First be examined by a licensed physician or physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or an advanced practitioner of nursing to determine whether the person has a medical problem, other than a psychiatric problem, which requires immediate treatment; and

(b) If such treatment is required, be admitted for the appropriate medical care:

(1) To a hospital if the person is in need of emergency services or care; or

(2) To another appropriate medical facility if the person is not in need of emergency services or care.

2. The examination and any transfer of the person from a facility when the person has an emergency medical condition and has not been stabilized must be conducted in compliance with:

(a) The requirements of 42 U.S.C. § 1395dd and any regulations adopted pursuant thereto, and must involve a person authorized pursuant to federal law to conduct such an examination or certify such a transfer; and

(b) The provisions of NRS 439B.410.

3. The cost of the examination must be paid by the county in which the allegedly mentally ill person resides if services are provided at a county hospital located in that county or a hospital or other medical facility designated by that county, unless the cost is voluntarily paid by the allegedly mentally ill person or, on his behalf, by his insurer or by a state or federal program of medical assistance.

4. The county may recover all or any part of the expenses paid by it, in a civil action against:

- (a) The person whose expenses were paid;
- (b) The estate of that person; or
- (c) A responsible relative as prescribed in NRS 433A.610, to the extent that financial ability is found to exist.

5. The cost of treatment, including hospitalization, for an indigent must be paid pursuant to NRS 428.010 by the county in which the allegedly mentally ill person resides.

6. The Division shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that:

(a) Define "emergency services or care" as that term is used in this section; and

(b) Prescribe the type of medical facility that a person may be admitted to pursuant to subparagraph (2) of paragraph (b) of subsection 1.

7. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 93. NRS 440.415 is hereby amended to read as follows:

440.415 1. A physician who anticipates the death of a patient because of an illness, infirmity or disease may authorize a specific registered nurse or physician assistant or the registered nurses or physician assistants employed by a medical facility or program for hospice care to make a pronouncement of death if they attend the death of the patient.

2. Such an authorization is valid for 120 days. Except as otherwise provided in subsection 3, the authorization must:

- (a) Be a written order entered on the chart of the patient;
- (b) State the name of the registered nurse or nurses or physician assistant or assistants authorized to make the pronouncement of death; and
- (c) Be signed and dated by the physician.

3. If the patient is in a medical facility or under the care of a program for hospice care, the physician may authorize the registered nurses or physician assistants employed by the facility or program to make pronouncements of death without specifying the name of each nurse or physician assistant, as applicable.

4. If a pronouncement of death is made by a registered nurse or physician assistant, the physician who authorized that action shall sign the medical certificate of death within 24 hours after being presented with the certificate.

5. If a patient in a medical facility is pronounced dead by a registered nurse or physician assistant employed by the facility, the registered nurse or physician assistant may release the body of the patient to a licensed funeral director pending the completion of the medical certificate of death by the attending physician if the physician or the medical director or chief of the medical staff of the facility has authorized the release in writing.

6. The Board may adopt regulations concerning the authorization of a registered nurse or physician assistant to make pronouncements of death.



7. As used in this section:

(a) "Medical facility" means:

(1) A facility for skilled nursing as defined in NRS 449.0039;

(2) A facility for hospice care as defined in NRS 449.0033;

(3) A hospital as defined in NRS 449.012;

(4) An agency to provide nursing in the home as defined in NRS 449.0015; or

(5) A facility for intermediate care as defined in NRS 449.0038.

(b) "Physician assistant" means a person who holds a license as a physician assistant pursuant to chapter 630 *or* 633 of NRS. ~~for a certificate as an osteopathic physician's assistant pursuant to chapter 633 of NRS.~~

(c) "Program for hospice care" means a program for hospice care licensed pursuant to chapter 449 of NRS.

(d) "Pronouncement of death" means a declaration of the time and date when the cessation of the cardiovascular and respiratory functions of a patient occurs as recorded in the patient's medical record by the attending provider of health care in accordance with the provisions of this chapter.

Sec. 94. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse ~~[- physician assistant]~~ or veterinarian licensed in accordance with state law ~~[-]~~ *or a physician assistant licensed pursuant to chapter 630 or 633 of NRS.*

Sec. 95. NRS 441A.540 is hereby amended to read as follows:

441A.540 1. If a person infected with or exposed to a communicable disease is voluntarily isolated or quarantined in a public or private medical facility, the facility shall not change the status of the person to an emergency isolation or quarantine unless, before the change in status is made:

(a) The facility provides:

(1) An application to a health authority for an emergency isolation or quarantine pursuant to NRS 441A.560; and

(2) The certificate of a health authority, physician, ~~licensed~~ physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or registered nurse to a health authority pursuant to NRS 441A.570; or

(b) The facility receives an order for isolation or quarantine issued by a health authority.

2. A person whose status is changed to an emergency isolation or quarantine pursuant to subsection 1:

(a) Must not be detained in excess of 48 hours after the change in status is made, unless within that period a written petition is filed by a health authority with the clerk of the district court pursuant to NRS 441A.600; and

(b) May, immediately after his status is changed, seek an injunction or other appropriate process in district court challenging his detention.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

4. Nothing in this section limits the actions that a public or private medical facility may take to prevent or limit the transmission of communicable diseases within the medical facility, including, without limitation, practices for the control of infections.

Sec. 96. NRS 441A.560 is hereby amended to read as follows:

441A.560 1. An application to a health authority for an order of emergency isolation or quarantine of a person or a group of persons alleged to have been infected with or exposed to a communicable disease may only be made by another health authority, a physician, a ~~licensed~~ physician assistant ~~or~~ *licensed pursuant to chapter 630 or 633 of NRS*, a registered nurse or a medical facility by submitting the certificate required by NRS 441A.570. Within its jurisdiction, upon application or on its own, subject to the provisions of NRS 441A.500 to 441A.720, inclusive, a health authority may:

(a) Pursuant to its own order and without a warrant:

(1) Take a person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease into custody in any safe location under emergency isolation or quarantine for testing, examination, observation and the provision of or arrangement for the provision of consensual medical treatment; and

(2) Transport the person or group of persons alleged to and reasonably believed by the health authority to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose, or arrange for the person or group of persons to be transported for that purpose by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority; or

(III) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

→ only if the health authority acting in good faith has, based upon personal observation, its own epidemiological investigation or an epidemiological investigation by another health authority, a physician, a ~~licensed~~ physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or a registered nurse as stated in a certificate submitted pursuant to NRS 441A.570, if such a certificate was submitted, of the person or group of persons alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of members of the public who have not been infected with or exposed to the communicable disease.

(b) Petition a district court for an emergency order requiring:

(1) Any health authority or peace officer to take a person or group of persons alleged to have been infected with or exposed to a communicable disease into custody to allow the health authority to investigate, file and prosecute a petition for the involuntary court-ordered isolation or quarantine of the person or group of persons alleged to have been infected with or exposed to a communicable disease in the manner set forth in NRS 441A.500 to 441A.720, inclusive; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport, in accordance with such court order, the person or group of persons alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, a residence or other safe location for that purpose.

2. The district court may issue an emergency order for isolation or quarantine pursuant to paragraph (b) of subsection 1:

(a) Only for the time deemed necessary by the court to allow a health authority to investigate, file and prosecute each petition for involuntary court-ordered isolation or quarantine pursuant to NRS 441A.500 to 441A.720, inclusive; and

(b) Only if it is satisfied that there is probable cause to believe that the person or group of persons alleged to have been infected with or exposed to a communicable disease has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public.

Sec. 97. NRS 441A.570 is hereby amended to read as follows:

441A.570 A health authority shall not accept an application for an emergency isolation or quarantine under NRS 441A.560 unless that application is accompanied by a certificate of another health authority or a physician, ~~licensed~~ physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or registered nurse stating that he has examined the person or group of persons alleged to have been infected with or exposed to a communicable disease or has investigated the circumstances of potential infection or exposure regarding the person or group of persons alleged to have been infected with or exposed to a communicable disease and that he has concluded that the person or group of persons has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person or group of persons is likely to be an immediate threat to the health of the public. The certificate required by this section may be obtained from a physician, ~~licensed~~ physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or registered nurse who is employed by the public or private medical facility in which the person or group of persons is admitted or detained and from the facility from which the application is made.

Sec. 98. NRS 441A.580 is hereby amended to read as follows:

441A.580 1. No application or certificate authorized under NRS 441A.560 or 441A.570 may be considered if made by a person on

behalf of a medical facility or by a health authority, physician, ~~licensed~~ physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or registered nurse who is related by blood or marriage to the person alleged to have been infected with or exposed to a communicable disease, or who is financially interested, in a manner that would be prohibited pursuant to NRS 439B.425 if the application or certificate were deemed a referral, in a medical facility in which the person alleged to have been infected with or exposed to a communicable disease is to be detained.

2. No application or certificate of any health authority or person authorized under NRS 441A.560 or 441A.570 may be considered unless it is based on personal observation, examination or epidemiological investigation of the person or group of persons alleged to have been infected with or exposed to a communicable disease made by such health authority or person not more than 72 hours before the making of the application or certificate. The certificate must set forth in detail the facts and reasons on which the health authority or person who submitted the certificate pursuant to NRS 441A.570 based his opinions and conclusions.

Sec. 99. NRS 441A.600 is hereby amended to read as follows:

441A.600 A proceeding for an involuntary court-ordered isolation or quarantine of any person in this State may be commenced by a health authority filing a petition with the clerk of the district court of the county where the person is to be isolated or quarantined. The petition may be pled in the alternative for both isolation and quarantine, if required by developing or changing facts, and must be accompanied:

1. By a certificate of a health authority or a physician, a ~~licensed~~ physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or a registered nurse stating that he has examined the person alleged to have been infected with or exposed to a communicable disease or has investigated the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease and has concluded that the person has been infected with or exposed to a communicable disease, and that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; or

2. By a sworn written statement by the health authority that:

(a) The health authority has, based upon its personal observation of the person alleged to have been infected with or exposed to a communicable disease, or its epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to a communicable disease, a reasonable factual and medical basis to believe that the person has been infected with or exposed to a communicable disease and, that because of the risks of that disease, the person is likely to be an immediate threat to the health of the public; and

(b) The person alleged to have been infected with or exposed to a communicable disease has refused to submit to voluntary isolation or

quarantine, examination, testing, or treatment known to control or resolve the transmission of the communicable disease.

Sec. 100. NRS 441A.610 is hereby amended to read as follows:

441A.610 In addition to the requirements of NRS 441A.600, a petition filed pursuant to that section with the clerk of the district court to commence proceedings for involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.540 or 441A.550 must include a certified copy of:

1. If an application for an order of emergency isolation or quarantine of the person was made pursuant to NRS 441A.560, the application for the emergency isolation or quarantine of the person made to the petitioning health authority pursuant to NRS 441A.560; and

2. A petition executed by a health authority, including, without limitation, a sworn statement that:

(a) The health authority or a physician, ~~licensed~~ physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or registered nurse who submitted a certificate pursuant to NRS 441A.570, if such a certificate was submitted, has examined the person alleged to have been infected with or exposed to a communicable disease;

(b) In the opinion of the health authority, there is a reasonable degree of certainty that the person alleged to have been infected with or exposed to a communicable disease is currently capable of transmitting the disease, or is likely to become capable of transmitting the disease in the near future;

(c) Based on either the health authority's personal observation of the person alleged to have been infected with or exposed to the communicable disease or the health authority's epidemiological investigation of the circumstances of potential infection or exposure regarding the person alleged to have been infected with or exposed to the communicable disease, and on other facts set forth in the petition, the person likely poses an immediate threat to the health of the public; and

(d) In the opinion of the health authority, involuntary isolation or quarantine of the person alleged to have been infected with or exposed to a communicable disease to a public or private medical facility, residence or other safe location is necessary to prevent the person from immediately threatening the health of the public.

Sec. 101. NRS 441A.630 is hereby amended to read as follows:

441A.630 1. After the filing of a petition to commence proceedings for the involuntary court-ordered isolation or quarantine of a person pursuant to NRS 441A.600 or 441A.610, the court shall promptly cause two or more physicians or ~~licensed~~ physician assistants ~~to~~ *licensed pursuant to chapter 630 or 633 of NRS*, at least one of whom must always be a physician, to either examine the person alleged to have been infected with or exposed to a communicable disease or assess the likelihood that the person alleged to have been infected with or exposed to a communicable disease has been so infected or exposed.

2. To conduct the examination or assessment of a person who is not being detained at a public or private medical facility, residence or other safe location under emergency isolation or quarantine pursuant to the emergency order of a health authority or court made pursuant to NRS 441A.550 or 441A.560, the court may order a peace officer to take the person into protective custody and transport him to a public or private medical facility, residence or other safe location where he may be detained until a hearing is held upon the petition.

3. If the person is being detained at his home or other place of residence under an emergency order of a health authority or court pursuant to NRS 441A.550 or 441A.560, he may be allowed to remain in his home or other place of residence pending an ordered assessment, examination or examinations and to return to his home or other place of residence upon completion of the assessment, examination or examinations if such remaining or returning would not constitute an immediate threat to others residing in his home or place of residence.

4. Each physician and ~~licensed~~ physician assistant *licensed pursuant to chapter 630 or 633 of NRS* who examines or assesses a person pursuant to subsection 1 shall, not later than 24 hours before the hearing set pursuant to NRS 441A.620, submit to the court in writing a summary of his findings and evaluation regarding the person alleged to have been infected with or exposed to a communicable disease.

Sec. 102. NRS 441A.640 is hereby amended to read as follows:

441A.640 1. The Health Division shall establish such evaluation teams as are necessary to aid the courts under NRS 441A.630 and 441A.700.

2. Each team must be composed of at least two physicians, or at least one physician and one physician assistant ~~[-]~~ *licensed pursuant to chapter 630 or 633 of NRS*.

3. Fees for the evaluations must be established and collected as set forth in NRS 441A.650.

Sec. 103. NRS 441A.670 is hereby amended to read as follows:

441A.670 In proceedings for involuntary court-ordered isolation or quarantine, the court shall hear and consider all relevant testimony, including, but not limited to, the testimony of examining personnel who participated in the evaluation of the person alleged to have been infected with or exposed to a communicable disease and the certificates, if any, of a health authority or a physician, ~~licensed~~ physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or registered nurse accompanying the petition.

Sec. 104. NRS 441A.720 is hereby amended to read as follows:

441A.720 When any involuntary court isolation or quarantine is ordered under the provisions of NRS 441A.500 to 441A.720, inclusive, the involuntarily isolated or quarantined person, together with the court orders, any certificates of the health authorities, physicians, ~~licensed~~ physician assistants *licensed pursuant to chapter 630 or 633 of NRS* or registered nurses, the written summary of the evaluation team and a full and complete

transcript of the notes of the official reporter made at the examination of such person before the court, must be delivered to the sheriff of the appropriate county who must be ordered to:

1. Transport the person; or
2. Arrange for the person to be transported by:
  - (a) A system for the nonemergency medical transportation of persons whose operation is authorized by the Transportation Services Authority; or
  - (b) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,
    - ➔ to the appropriate public or private medical facility, residence or other safe location.

Sec. 105. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.
2. "Department" means the Department of Health and Human Services.
3. "Director" means the Director of the Department.
4. "Fetal alcohol syndrome" includes fetal alcohol effects.
5. "Health Division" means the Health Division of the Department.
6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.
7. "Provider of health care or other services" means:
  - (a) An alcohol and drug abuse counselor who is licensed or certified pursuant to chapter 641C of NRS;
  - (b) A physician or a physician assistant who is licensed pursuant to chapter 630 or ~~an osteopathic physician who is licensed pursuant to chapter 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;~~
  - (c) A licensed nurse;
  - (d) A licensed psychologist;
  - (e) A licensed marriage and family therapist;
  - (f) A licensed social worker; or
  - (g) The holder of a certificate of registration as a pharmacist.

Sec. 106. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.
2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.
3. "Medicare" has the meaning ascribed to it in NRS 439B.130.
4. "Provider of prenatal care" means:
  - (a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.
  - (b) A certified nurse midwife who is licensed by the State Board of Nursing.

(c) An advanced practitioner of nursing who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant *licensed pursuant to chapter 630 or 633 of NRS* who has specialized skills and training in obstetrics or family practice.

Sec. 107. NRS 449.0175 is hereby amended to read as follows:

449.0175 "Rural clinic" means a facility located in an area that is not designated as an urban area by the Bureau of the Census, where medical services are provided by a physician assistant *licensed pursuant to chapter 630 or 633 of NRS* or an advanced practitioner of nursing under the supervision of a licensed physician.

Sec. 108. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Health Division of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practitioner of nursing, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant ~~or~~ *licensed pursuant to chapter 630 or 633 of NRS*, advanced practitioner of nursing, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 109. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant ~~or~~ *licensed pursuant to chapter 630 or 633 of NRS*, dentist, podiatric physician, advanced practitioner of nursing or veterinarian:

(a) As an incident to his administering or dispensing of a substance in the course of his professional practice; or

(b) By his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 110. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his profession in this State and is registered pursuant to this chapter.

2. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy authorizing him to dispense or to prescribe and dispense controlled substances.



3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he possesses or administers sodium pentobarbital pursuant to his license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and  
(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. ~~[An osteopathic physician's]~~ *A physician assistant who:*

(a) Holds a ~~[certificate]~~ *license* from the State Board of Osteopathic Medicine; and  
(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when he prescribes or administers therapeutic pharmaceutical agents within the scope of his certification.

Sec. 111. NRS 453.128 is hereby amended to read as follows:

453.128 1. "Prescription" means:

(a) An order given individually for the person for whom prescribed, directly from a physician, ~~[osteopathic physician's assistant,]~~ physician assistant ~~[,]~~ *licensed pursuant to chapter 630 or 633 of NRS*, dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian, or his agent, to a pharmacist or indirectly by means of an order signed by the practitioner or an electronic transmission from the practitioner to a pharmacist; or

(b) A chart order written for an inpatient specifying drugs which he is to take home upon his discharge.

2. The term does not include a chart order written for an inpatient for use while he is an inpatient.

Sec. 112. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who dispenses any controlled substance within this State or who proposes to engage in the dispensing of any controlled substance within this State shall obtain biennially a registration issued by the Board in accordance with its regulations.

2. A person registered by the Board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, to dispense or conduct research with

controlled substances may possess, dispense or conduct research with those substances to the extent authorized by the registration and in conformity with the other provisions of those sections.

3. The following persons are not required to register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive:

(a) An agent or employee of a registered dispenser of a controlled substance if he is acting in the usual course of his business or employment;

(b) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(c) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a physician, ~~osteopathic physician's assistant,~~ physician assistant ~~licensed pursuant to chapter 630 or 633 of NRS,~~ dentist, advanced practitioner of nursing, podiatric physician or veterinarian or in lawful possession of a schedule V substance; or

(d) A physician who:

(1) Holds a locum tenens license issued by the Board of Medical Examiners or a temporary license issued by the State Board of Osteopathic Medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this State.

4. The Board may waive the requirement for registration of certain dispensers if it finds it consistent with the public health and safety.

5. A separate registration is required at each principal place of business or professional practice where the applicant dispenses controlled substances.

6. The Board may inspect the establishment of a registrant or applicant for registration in accordance with the Board's regulations.

Sec. 113. NRS 453.336 is hereby amended to read as follows:

453.336 1. A person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, ~~osteopathic physician's assistant,~~ physician assistant ~~licensed pursuant to chapter 630 or 633 of NRS,~~ dentist, podiatric physician, optometrist, advanced practitioner of nursing or veterinarian while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first or second offense, if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I, II, III or IV, or if the offender has previously been convicted

two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) For the first offense, if the controlled substance is listed in schedule V, for a category E felony as provided in NRS 193.130.

(d) For a second or subsequent offense, if the controlled substance is listed in schedule V, for a category D felony as provided in NRS 193.130.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$600; or

(2) Examined by an approved facility for the treatment of abuse of drugs to determine whether he is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that he is a drug addict and is likely to be rehabilitated through treatment, assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than \$1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to NRS 453.580.

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

Sec. 114. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. "Advanced practitioner of nursing" means a person who holds a certificate of recognition granted pursuant to NRS 632.237 and is registered with the Board.

2. "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

3. "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

4. "Physician," "dentist," "podiatric physician," "veterinarian" and "euthanasia technician" mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

5. "Physician assistant" means a person who is registered with the Board and:

(a) Holds a license issued pursuant to NRS 630.273; or

(b) Holds a ~~certificate~~ license issued pursuant to ~~NRS 633.451~~, section 29 of this act.

Sec. 115. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant *licensed pursuant to chapter 630 or 633 of NRS*, at the direction of his supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant ~~[-]~~ *licensed pursuant to chapter 630 or 633 of NRS*, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. An intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

7. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

8. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➔ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

9. Any person designated by the head of a correctional institution.

10. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

11. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

12. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

14. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

15. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

16. A veterinary technician at the direction of his supervising veterinarian.

17. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

18. A person who is enrolled in a training program to become a physician assistant ~~and~~ *licensed pursuant to chapter 630 or 633 of NRS*, dental

hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant ~~+~~ *licensed pursuant to chapter 630 or 633 of NRS*, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 116. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;
2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;
3. A practitioner, or a physician assistant *licensed pursuant to chapter 630 or 633 of NRS* if authorized by the Board;
4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;
5. A medical intern in the course of his internship;
6. An advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him to dispense dangerous drugs;
7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;
8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or
9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Mental Health and Developmental Services of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,  except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 117. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

- (a) A practitioner to his patients;
- (b) A physician assistant *licensed pursuant to chapter 630 or 633 of NRS* if authorized by the Board;
- (c) A registered nurse while participating in a public health program approved by the Board, or an advanced practitioner of nursing who holds a certificate from the State Board of Nursing and a certificate from the State Board of Pharmacy permitting him to dispense dangerous drugs;
- (d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;
- (e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the State Health Officer or his designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or
- (f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 118. NRS 484.393 is hereby amended to read as follows:

484.393 1. The results of any blood test administered under the provisions of NRS 484.383 or 484.391 are not admissible in any hearing or criminal action arising out of acts alleged to have been committed by a person who was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or who was engaging in any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955 unless:

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

(1) Is a physician, physician assistant ~~or~~ *licensed pursuant to chapter 630 or 633 of NRS*, registered nurse, licensed practical nurse, emergency medical technician or a phlebotomist, technician, technologist or assistant employed in a medical laboratory; or

(2) Has special knowledge, skill, experience, training and education in withdrawing blood in a medically acceptable manner, including, without limitation, a person qualified as an expert on that subject in a court of competent jurisdiction or a person who has completed a course of instruction described in subsection 2 of NRS 652.127; and

(b) The test was performed on whole blood, except if the sample was clotted when it was received by the laboratory, the test may be performed on blood serum or plasma.

2. The limitation contained in paragraph (a) of subsection 1 does not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No person listed in paragraph (a) of subsection 1 incurs any civil or criminal liability as a result of the administering of a blood test when requested by a police officer or the person to be tested to administer the test.

Sec. 119. NRS 632.450, 633.431, 633.441, 633.451, ~~and~~ 633.461 and 640B.180 are hereby repealed.

Sec. 120. A certificate for an osteopathic physician's assistant that is current and valid on December 31, 2007, shall, on January 1, 2008, be deemed to be a license issued pursuant to section 29 of this act.

Sec. 121. 1. This act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

2. The amendatory provisions of section 7 of this act expire by limitation on January 1, 2012.

3. Sections 11 and 25 of this act expire by limitation on January 1, 2012.

#### LEADLINES OF REPEALED SECTIONS

632.450 Schools of professional nursing: Minimum length of course of instruction.

633.431 Osteopathic physicians' assistants: Training programs and standards.

633.441 Osteopathic physicians' assistants: Application to employ assistant.

633.451 Osteopathic physicians' assistants: Approval of application to employ assistant; issuance and renewal of certificate.

633.461 Osteopathic physician's assistant: Scope of authorized activities.

640B.180 Professional associations to submit lists of persons qualified for membership on Board.

Senator Townsend moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 412.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 436.

The following Assembly amendment was read:

Amendment No. 944.

"SUMMARY—Makes various changes to the provisions governing common-interest communities. (BDR 10-234)"

~~"AN ACT relating to common-interest communities; revising various provisions governing the imposition and payment of certain fines and assessments; revising various provisions governing the election of members~~



~~of the executive board; providing that certain unapproved books, records and other papers are not required to be made available to a unit's owner;~~ revising provisions governing restrictions on the use of systems for obtaining solar or wind energy; revising the provisions governing the regulation of certain streets in certain common-interest communities; exempting associations located in certain smaller counties from using a reserve study specialist for conducting a study of reserves; exempting associations located in certain smaller counties from using an independent certified public accountant for certain financial matters; making various other changes relating to common-interest communities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 1.4 of this bill prohibits a common-interest community from restricting the operation of motorcycles. Section 1.6 of this bill prohibits a common-interest community from using information from radar guns as the basis for a fine or penalty.

Existing law provides that a covenant, restriction or condition in a deed, contract or other legal instrument cannot unreasonably restrict the use of a system for obtaining solar or wind energy. (NRS 111.239, 278.0208) Sections 1 and 21.5 of this bill ~~[specify how to determine if a restriction significantly decreases the efficiency or performance of such a system and places the burden on the property owner to show such a decrease.]~~ provide that the only restriction on the use of such a system is with respect to color in certain circumstances.

~~† Section 1.8 of this bill adds community managers of common interest communities as persons whose health, safety and welfare may be threatened by violations of a unit owners' association's governing documents, authorizing the imposition of fines. (NRS 116.31031) This section also provides that a unit's owner must receive notice of a violation and possible fine, that a member of the executive board cannot participate in hearings on fines if he has not paid his assessments and that the association must provide written confirmation when a fine is paid.~~

~~Section 2 of this bill establishes priorities for the application of a unit owner's payments against assessments and fines, unless the unit's owner has stated in writing that no portion of the payment is to be applied against fines or costs related thereto. (NRS 116.310315)~~

~~Section 3 of this bill authorizes candidates for the executive board to be elected without balloting when the number of candidates is less than or equal to the number of members to be elected. (NRS 116.31034) Section 3 also adds items which candidates must disclose to units' owners in advance of the election, whether or not an election is to be held with balloting. (NRS 116.31034)~~

~~Section 4 of this bill requires that a declarant deliver to an association an ancillary audit of the association's money and audited financial statements from the date of the last audit until the date the declarant's control ends. (NRS 116.31038) Section 4 also requires the declarant to pay for the costs of the ancillary audit. (NRS 116.31038).]~~

Sections 4, 8, 12-14 and 16-21 of this bill eliminate the issuance of permits to reserve study specialists and instead provide for their registration. (NRS 116.31038, 116.750, 116A.120, 116A.260 and 116A.420-116A.900)

~~[ Section 6 of this bill lengthens the period between which meetings of the executive board must be held from every 90 days to every quarter, but not less than every 100 days. (NRS 116.31083) Section 6 also provides that if the sole purpose of a meeting is for the executive board to meet in executive session under certain circumstances, notice need not be provided. (NRS 116.31083).]~~

~~Section 7 of this bill permits the executive board to impose certain assessments for the purpose of funding a reserve without a vote of the units' owners under certain circumstances. (NRS 116.3115).]~~

Sections 6.3 and 6.7 of this bill provide that in a county whose population is 45,000 or less an association is not required to use a certified public accountant to prepare, present, audit or review certain financial statements. (NRS 116.31142, 116.31144)

Section 8 of this bill ~~[establishes the criteria for evaluating the adequacy of the reserves of an association.]~~ provides that an association located in a county whose population is 45,000 or less is not required to use a registered reserve study specialist to conduct the study of reserves of the association. (NRS 116.31152)

~~[ Section 9 of this bill excludes the books, records and other papers of the association which are in the process of being developed and have not yet been placed on an agenda for final approval by the executive board from the material which the board must make available upon the written request of a unit's owner. (NRS 116.31175).]~~

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by State or local governments for public use. (NRS 116.350) ~~[Section 10 of this bill permits an association to restrict parking on such thoroughfares if the parking prohibition was a condition for approval of the subdivision's final map or included in the terms of a zoning ordinance permit or approval. (NRS 116.350) Section 10 also adds inoperable vehicles to the types of vehicles that an association may restrict the parking or storage of. (NRS 116.350) Finally, section]~~ Section 10 of this bill further prohibits a common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles.

Section 11 of this bill deems deposits made in connection with the purchase or reservation of units from a person required to deliver a public offering statement placed in out-of-state escrow companies as being

deposited in this State if the escrow holder has a legal right to conduct business in the State, has a resident agent in this State and has consented to the jurisdiction of the courts of this State. (NRS 116.411)

~~f Section 15 of this bill provides for the issuance of temporary certificates for community managers for a period of 1 year under certain circumstances. (NRS 116A.410)~~

~~Section 22 of this bill excludes certain unit owners' associations from the definition of "business" for the purposes of requiring business licenses. (NRS 360.765))~~

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

Section 1. NRS 111.239 is hereby amended to read as follows:

111.239 1. ~~[Any]~~ Except as otherwise provided in subsection 2, any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~[unreasonably]~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

~~2. *[The owner of the property has the burden of showing that a restriction or requirement on the use of such a system significantly decreases the efficiency or performance of the system.]*~~

~~3. For the purposes of this section] [, "unreasonably"] ~~f:~~~~

~~(a) "Significantly decreases the efficiency or performance of the system" means a decrease of 20 percent or more in the efficiency or performance of the system.~~

~~(b) "Unreasonably restricts the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.] A reasonable covenant, restriction or condition concerning the color of such a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.~~

Sec. 1.2. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.6 of this act.

Sec. 1.4. 1. *The executive board of a common-interest community shall not, and the governing documents of a common-interest community must not, restrict, prohibit or otherwise impede the operation of a motorcycle if the motorcycle is operated on any road, street, alley or other surface intended for use by a motor vehicle.*

2. *The provisions of this section do not preclude the governing documents of a common-interest community from reasonably restricting the parking or storage of a motorcycle to the extent authorized by law.*

3. As used in this section, "motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground which is required to be registered pursuant to chapter 482 of NRS.

Sec. 1.6. 1. A member of the executive board of a common-interest community, a community manager for the common-interest community and any other representative of the association shall not use a radar gun or other device designed to gauge the speed of a vehicle for the purpose of imposing any fine or other penalty upon or taking any other action against a unit's owner or other person.

2. The executive board of a common-interest community shall not impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

3. The governing documents of a common-interest community must not authorize the executive board or any other person to impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

Sec. 1.8. ~~NRS 116.31031 is hereby amended to read as follows:~~

~~116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or guest of a unit's owner violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:~~

~~(a) Prohibit, for a reasonable time, the unit's owner or the tenant or guest of the unit's owner from:~~

~~(1) Voting on matters related to the common interest community;~~

~~(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or guest of the unit's owner from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking;~~

~~(b) Impose a fine against the unit's owner or the tenant or guest of the unit's owner for each violation, except that a fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305. If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners, [or] residents or community manager of the common interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners, [or] residents or community manager of the common interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed \$100 for each violation or a total amount of \$1000, whichever is less. The~~

~~limitations on the amount of the fine do not apply to any interest, charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.~~

~~2. The executive board may not impose a fine pursuant to subsection 1 unless:~~

~~(a) Not less than 30 days before the violation, the unit's owner and, if different, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and~~

~~(b) Within a reasonable time after the discovery of the violation, the unit's owner and, if different, the person against whom the fine will be imposed has been provided with:~~

~~(1) Written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and~~

~~(2) A reasonable opportunity to contest the violation at the hearing.~~

~~→ For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is delivered to the address of the unit and, if different, to a mailing address specified by the unit's owner.~~

~~3. The executive board must schedule the date, time and location for the hearing on the violation so that the unit's owner and, if different, the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.~~

~~4. The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:~~

~~(a) Pays the fine;~~

~~(b)] Executes a written waiver of the right to the hearing; or~~

~~[(c)] (b) Fails to appear at the hearing after being provided with proper notice of the hearing.~~

~~5. If a fine is imposed pursuant to subsection 1 and the violation is not eured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7 day period or portion thereof that the violation is not eured. Any additional fine may be imposed without notice and an opportunity to be heard.~~

~~6. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.~~

~~7. A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the~~

~~member has not paid all assessments which are due to the association by the member. If a member of the executive board:~~

~~(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.~~

~~(b) Casts a vote in violation of this subsection, the vote is void.~~

~~8. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.~~

~~[8.] 9. Any past due fine:~~

~~(a) Bears interest at the rate established by the association, not to exceed the legal rate per annum.~~

~~(b) May include any costs of collecting the past due fine at a rate established by the association. If the past due fine is for a violation that does not threaten the health, safety or welfare of the units' owners, residents or community manager of the common interest community, the rate established by the association for the costs of collecting the past due fine:~~

~~(1) May not exceed \$20, if the outstanding balance is less than \$200.~~

~~(2) May not exceed \$50, if the outstanding balance is \$200 or more, but is less than \$500.~~

~~(3) May not exceed \$100, if the outstanding balance is \$500 or more, but is less than \$1,000.~~

~~(4) May not exceed \$250, if the outstanding balance is \$1,000 or more, but is less than \$5,000.~~

~~(5) May not exceed \$500, if the outstanding balance is \$5,000 or more.~~

~~(c) May include any costs incurred by the association during a civil action to enforce the payment of the past due fine.~~

~~[9.] 10. Not later than 30 days after receiving payment in full of a fine, including any lawful interest and costs of collection, an association shall provide written confirmation to the person upon whom the fine was imposed that the fine and all related charges have been paid in full and that the fine is discharged.~~

~~11. As used in this section:~~

~~(a) "Costs of collecting" includes, without limitation, any collection fee, filing fee, recording fee, referral fee, fee for postage or delivery, and any other fee or cost that an association may reasonably charge to the unit's owner for the collection of a past due fine. The term does not include any costs incurred by an association during a civil action to enforce the payment of a past due fine.~~

~~(b) "Outstanding balance" means the amount of a past due fine that remains unpaid before any interest, charges for late payment or costs of collecting the past due fine are added.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 116.310315 is hereby amended to read as follows:~~

~~116.310315—If an association has imposed a fine against a unit's owner or a tenant or guest of a unit's owner pursuant to NRS 116.31031 for violations of the governing documents of the association, the association [-] shall:~~

~~1.—[Shall, in] In the books and records of the association, account for the fine separately from any assessment, fee or other charge; and~~

~~2.—[Shall not apply, in whole or in part, any payment made by the unit's owner for any assessment, fee or other charge toward the payment of the outstanding balance of the fine or any costs of collecting the fine, unless the unit's owner provides written authorization which directs the association to apply the payment made by the unit's owner in such a manner.] Apply any payment received from a unit's owner without written instructions as to the application of the payment:~~

~~(a) First to current or past due assessments; and~~

~~(b) Then the remainder of any payment to past due fines, including the costs of collecting any such fine, unless the unit's owner has stated in writing that no amount of the payment is to be applied toward the fines or toward the costs of collecting the fines.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 116.31034 is hereby amended to read as follows:~~

~~116.31034—1.—Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.~~

~~2.—The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.~~

~~3.—The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:~~

~~(a) Members of the executive board who are appointed by the declarant; and~~

~~(b) Members of the executive board who serve a term of 1 year or less.~~

~~4.—Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association. Before the secretary or other~~

~~officer specified in the bylaws of the association causes notice to be given to each unit's owner of his eligibility to serve as a member of the executive board pursuant to this subsection, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then:~~

~~(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;~~

~~(b) The candidates so nominated shall be deemed to be duly elected to the executive board not later than 30 days after the date of closing of the prescribed period for nominations; and~~

~~(c) Units' owners will receive notification that the candidates so nominated have been elected to the executive board.~~

~~5.—Each person [whose name is placed on the ballot] who is nominated as a candidate for a member of the executive board pursuant to subsection 4 must:~~

~~(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and~~

~~(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate [has]:~~

~~(1) Has any unpaid and past due assessments or construction penalties that are required to be paid to the association [.] ;~~

~~(2) Has any unpaid fine imposed by the executive board that is 30 days or more past due; or~~

~~(3) After being provided notice and the opportunity for a hearing in accordance with the provisions of NRS 116.31031, has been found to have committed a violation of the governing documents that has not been cured.~~

~~—The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 4, in the manner established for distribution of ballots in the bylaws of the association.~~

~~6.—Unless a person is appointed by the declarant:~~

~~(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.~~

~~(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or~~



~~his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:~~

~~(1) That master association; or~~

~~(2) Any association that is subject to the governing documents of that master association.~~

~~7.—An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:~~

~~(a) He is associated with the corporate owner, trust, partnership, limited liability company or estate as required by this subsection; and~~

~~(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited liability company or estate.~~

~~8.—[The] Except as otherwise provided in subsection 4, the election of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:~~

~~(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common interest community or to any other mailing address designated in writing by the unit's owner.~~

~~(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.~~

~~(c) A quorum is not required for the election of any member of the executive board.~~

~~(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.~~

~~(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.~~

~~(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.~~

~~9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.] (Deleted by amendment.)~~

Sec. 4. NRS 116.31038 is hereby amended to read as follows:

116.31038 In addition to any applicable requirement set forth in NRS 116.310395, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:

1. The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

2. An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of inception ~~(the last audit)~~ of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position. ~~The declarant shall pay the costs of the ancillary audit. The ancillary audit must be delivered within 210 days after the date the period of the declarant's control ends.~~

3. A complete study of the reserves of the association, conducted by a person who ~~holds a permit to conduct such a study issued~~ is registered as a reserve study specialist pursuant to chapter 116A of NRS. At the time the control of the declarant ends, he shall:

(a) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, he has failed to pay his share of the amounts due, the executive board shall authorize the declarant to pay the deficiency in installments for a period of 3 years, unless the declarant and the executive board agree to a shorter period.

(b) Disclose, in writing, the amount by which he has subsidized the association's dues on a per unit or per lot basis.

4. The association's money or control thereof.

5. All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal

property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

6. A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

7. All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

8. Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community other than units in a planned community.

9. Any renewable permits and approvals issued by governmental bodies applicable to the common-interest community which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the community.

10. Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

11. A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

12. Contracts of employment in which the association is a contracting party.

13. Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.

Sec. 5. ~~[NRS 116.310395 is hereby amended to read as follows:~~

~~116.310395 1. At the time of each close of escrow of a unit in a converted building, the declarant shall deliver to the association the amount of the converted building reserve deficit allocated to that unit.~~

~~2. The allocation to a unit of the amount of any converted building reserve deficit must be made in the same manner as assessments are allocated to that unit.~~

~~3. As used in this section, "converted building reserve deficit" means the amount necessary to replace the major components of the common elements needing replacement within 10 years after the date of the first [sale] close of escrow of a unit.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 116.31083 is hereby amended to read as follows:~~

~~116.31083 1. A meeting of the executive board must be held at least once every [90] quarter, and not less than once every 100 days.~~

~~2. Except [in an emergency] as otherwise provided in subsection 3 or 4 or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:~~

~~(a) Sent prepaid by United States mail to the mailing address of each unit within the common interest community or to any other mailing address designated in writing by the unit's owner;~~

~~(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or~~

~~(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.~~

~~3.—[In] Except as otherwise provided in subsection 4, in an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common interest community. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the common interest community or posted in a prominent place or places within the common elements of the association.~~

~~4.—If the sole purpose of a meeting of the executive board is to meet in executive session pursuant to subsection 4 of NRS 116.31085, notice of the meeting pursuant to this section is not required.~~

~~5.—The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:~~

~~(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.~~

~~(b) Speak to the association or executive board, unless the executive board is meeting in executive session.~~

~~[5.] 6.—The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. The period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for the beginning of each meeting. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.~~

~~[6.] 7.—At least once every [90] quarter, and not less than once every 100 days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:~~

~~(a) A current year-to-date financial statement of the association;~~

~~(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;~~

~~(c) A current reconciliation of the operating account of the association;~~

- ~~(d) A current reconciliation of the reserve account of the association;~~
- ~~(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and~~
- ~~(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.~~

~~[7.] 8. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the executive board. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meetings to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.~~

~~[8.] 9. Except as otherwise provided in subsection [9.] 10 and NRS 116.31085, the minutes of each meeting of the executive board must include:~~

- ~~(a) The date, time and place of the meeting;~~
- ~~(b) Those members of the executive board who were present and those members who were absent at the meeting;~~
- ~~(c) The substance of all matters proposed, discussed or decided at the meeting;~~
- ~~(d) A record of each member's vote on any matter decided by vote at the meeting; and~~
- ~~(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.~~

~~[9.] 10. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.~~

~~[10.] 11. The association shall maintain the minutes of each meeting of the executive board until the common interest community is terminated.~~

~~[11.] 12. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.~~

~~[12.] 13. As used in this section, "emergency" means any occurrence or combination of occurrences that:~~

- ~~(a) Could not have been reasonably foreseen;~~
- ~~(b) Affects the health, welfare and safety of the units' owners or residents of the common interest community;~~
- ~~(c) Requires the immediate attention of, and possible action by, the executive board; and~~

~~(d) Makes it impracticable to comply with the provisions of subsection 2 or [5.] 6.7. (Deleted by amendment.)~~

*Sec. 6.3. NRS 116.31142 is hereby amended to read as follows:*

116.31142 1. The Commission shall adopt regulations prescribing the requirements for the preparation and presentation of financial statements of an association pursuant to this chapter.

2. The regulations adopted by the Commission must include, without limitation:

(a) The qualifications necessary for a person to prepare and present financial statements of an association; and

(b) The standards and format to be followed in preparing and presenting financial statements of an association.

3. The Commission shall not adopt regulations requiring that financial statements be prepared by a certified public accountant if the association is located in a county whose population is 45,000 or less.

*Sec. 6.7. NRS 116.31144 is hereby amended to read as follows:*

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) If the annual budget of the association is less than \$75,000, cause the financial statement of the association to be audited ~~[by an independent certified public accountant]~~ at least once every 4 fiscal years.

(b) If the annual budget of the association is \$75,000 or more but less than \$150,000, cause the financial statement of the association to be:

(1) Audited ~~[by an independent certified public accountant]~~ at least once every 4 fiscal years; and

(2) Reviewed ~~[by an independent certified public accountant]~~ every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is \$150,000 or more, cause the financial statement of the association to be audited ~~[by an independent certified public accountant]~~ every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited ~~[by an independent certified public accountant]~~ if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. Each audit and review of the financial statement of an association must be conducted by an independent certified public accountant, unless the association is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the association to conduct such an audit or review.

4. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association, ~~[,] which do not conflict with subsection 3;~~ and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

Sec. 7. ~~[NRS 116.3115 is hereby amended to read as follows:~~

~~116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.~~

~~2. Except for assessments under subsections 4 to 7, inclusive:~~

~~(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.~~

~~(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements are necessary. Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common interest community if such assessments are made pursuant to findings contained in a study of the reserves of the association prepared by a person who is registered as a reserve study specialist pursuant to chapter 116A of NRS.~~

~~3. Any past due assessment for common expenses or installment thereof bears interest at the rate established by the association not exceeding 18 percent per year.~~

~~4. To the extent required by the declaration:~~

~~(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;~~

~~(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and~~

~~(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.~~

~~5. Assessments to pay a judgment against the association may be made only against the units in the common interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.~~

~~6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.~~

~~7. The association of a common interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.~~

~~8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.~~

~~9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting. (Deleted by amendment.)~~

Sec. 8. NRS 116.31152 is hereby amended to read as follows:

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements ~~and~~;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient ~~and~~; and ~~The reserves shall be deemed adequately funded if~~

~~(1) The amount of the reserves is equal to or greater than the amount specified in the funding plan; or~~

~~(2) The amount of reserves available for the next 5 years is sufficient to repair, replace and restore the major components of the common elements designated in the funding plan.~~

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. The study of the reserves required by subsection 1 must be conducted by a person who ~~holds a permit issued~~ is registered as a reserve study specialist pursuant to chapter 116A of NRS ~~and~~ , unless the association is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the executive board to conduct such a study.

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;



(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

5. If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

Sec. 9. ~~[NRS 116.31175 is hereby amended to read as follows:~~

~~116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:~~

~~(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;~~

~~(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; [and]~~

~~(c) A contract between the association and an attorney [.] ; and~~

~~(d) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:~~

~~(1) Is in the process of being developed for final consideration by the executive board; and~~

~~(2) Has not been placed on an agenda for final approval by the executive board.~~

~~2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:~~

~~(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.~~

~~(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.~~

~~(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.~~

~~3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:~~

~~(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and~~

~~(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.~~

~~4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:~~

~~(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or~~

~~(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.~~

~~5. The executive board shall not require a unit's owner to pay an amount in excess of \$10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.] (Deleted by amendment.)~~

Sec. 10. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the

right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ Except as otherwise provided in subsection 3, the provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the ~~the~~

~~(a) Parking on any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use if the requirement that no parking be allowed is included in the terms of any applicable zoning ordinance, permit or approval or as a condition for approval of any final subdivision map; or~~

~~(b) The~~ parking or storage of inoperable vehicles, recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in his official duties; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.

(b) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(c) *"Law enforcement vehicle" means a vehicle:*

(1) *Owned by any governmental agency or political subdivision of this State; and*

(2) *Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.*

(d) *"Utility service vehicle" means any commercial motor vehicle:*

(1) *Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.*

(2) *Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the commercial motor vehicle is owned, leased or rented by the utility.*

Sec. 11. NRS 116.411 is hereby amended to read as follows:

116.411 1. Except as otherwise provided in subsections 2 ~~[and 3,]~~ , 3 and 4, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 must be placed in escrow and held either in this State or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released must not exceed the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.

4. *Pursuant to subsection 1, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 is deemed to be placed in escrow and held in this State when the escrow holder has:*

- (a) *The legal right to conduct business in this State;*
- (b) *A resident agent in this State pursuant to subsection 1 of NRS 14.020;*  
*and*
- (c) *Consented to the jurisdiction of the courts of this State by:*
  - (1) *Maintaining a physical presence in this State; or*
  - (2) *Executing a written instrument containing such consent, with respect to any suit or claim, whether brought by the declarant or purchaser, relating to or arising in connection with such sale or the escrow agreement related thereto.*

Sec. 12. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

- (a) Any association and any officer, employee or agent of an association.
- (b) Any member of an executive board.
- (c) Any community manager who holds a certificate and any other community manager.
- (d) Any person who ~~holds a permit to conduct a study of the reserves of an association issued~~ *is registered as a reserve study specialist, or who conducts a study of reserves, pursuant to chapter 116A of NRS.*
- (e) Any declarant or affiliate of a declarant.
- (f) Any unit's owner.
- (g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

- (a) Currently holds his office, employment, agency or position or who held his office, employment, agency or position at the commencement of proceedings against him.
- (b) Resigns his office, employment, agency or position:
  - (1) After the commencement of proceedings against him; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 13. NRS 116A.120 is hereby amended to read as follows:

116A.120 ~~["Permit"]~~ "Registration" means ~~a permit~~ registration to conduct a study of the reserves of an association pursuant to NRS 116.31152 ~~issued by~~ with the Division pursuant to this chapter.

Sec. 14. NRS 116A.260 is hereby amended to read as follows:

116A.260 The Division shall maintain in each district office a public docket or other record in which it shall record, from time to time as made:

1. The rulings or decisions upon all complaints filed with that district office.

2. All investigations instituted by that district office in the first instance, upon or in connection with which any hearing has been held, or in which the person charged has made no defense.

3. Denials of applications made to that district office for examination , registration or issuance of a certificate . ~~for permit.~~

Sec. 15. ~~NRS 116A.410 is hereby amended to read as follows:~~

~~116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:~~

~~(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate. The regulations must include, without limitation, provisions that:~~

~~(1) Provide for the issuance of a temporary certificate for a 1-year period to a person who:~~

~~(I) Holds a professional designation in the field of management of a common interest community from a nationally recognized organization;~~

~~(II) Provides evidence that the person has been engaged in the management of a common interest community for at least 5 years; and~~

~~(III) Has not been the subject of any disciplinary action in another state in connection with the management of a common interest community.~~

~~(2) Except as otherwise provided in subparagraph (3), provide for the issuance of a temporary certificate for a 1-year period to a person who:~~

~~(I) Receives an offer of employment as a community manager from an association; and~~

~~(II) Has management experience determined to be sufficient by the executive board of the association making the offer in sub-subparagraph (1). The executive board must have sole discretion to make the determination required in this sub-subparagraph.~~

~~(3) Require a temporary certificate described in subparagraph (2) to expire before the end of the 1-year period if the certificate holder ceases to be employed by the association which offered him employment as described in subparagraph (2).~~

~~(4) Require a person who is issued a temporary certificate as described in subparagraph (1) or (2) to successfully complete not less than 18 hours of~~

~~instruction relating to the Uniform Common Interest Ownership Act within the 1-year period.~~

~~(5) Provide for the issuance of a certificate at the conclusion of the 1-year period if the person:~~

~~(I) Has successfully completed not less than 18 hours of instruction relating to the Uniform Common Interest Ownership Act; and~~

~~(II) Has not been the subject of any disciplinary action pursuant to this chapter, chapter 116 of NRS or any regulations adopted pursuant thereto.~~

~~(6) Provide that a temporary certificate described in subparagraph (1) or (2), and a certificate described in subparagraph (5):~~

~~(I) Must authorize the person who is issued a temporary certificate described in subparagraph (1) or (2) or certificate described in subparagraph (5) to act in all respects as a community manager and exercise all powers available to any other community manager without regard to experience; and~~

~~(II) Must not be treated as a limited, restricted or provisional form of a certificate.~~

~~(b) May require applicants to pass an examination in order to obtain a certificate [...] other than a temporary certificate described in paragraph (a). If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.~~

~~(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.~~

~~(d) Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.~~

~~(e) Must establish rules of practice and procedure for conducting disciplinary hearings.~~

~~2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.~~

~~3. As used in this section, "management experience" means experience in a position in business or government, including, without limitation, in the military:~~

~~(a) In which the person holding the position was required, as part of holding the position, to engage in one or more management activities, including, without limitation, supervision of personnel, development of budgets or financial plans, protection of assets, logistics, management of human resources, development or training of personnel, public relations, or protection or maintenance of facilities; and~~

~~(b) Without regard to whether the person holding the position has any experience managing or otherwise working for an association. (Deleted by amendment.)~~

Sec. 16. NRS 116A.420 is hereby amended to read as follows:

116A.420 1. Except as otherwise provided in this section, a person shall not act as a reserve study specialist unless the person ~~holds a permit.~~ *registers with the Division on a form provided by the Division.*

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists. ~~who hold permits.~~

3. The Division may investigate any reserve study specialist ~~who holds a permit~~ to ensure that the reserve study specialist is complying with the provisions of this chapter and chapter 116 of NRS and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist ~~who holds a permit~~ has violated any provision of this chapter or chapter 116 of NRS or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to ~~issue a permit to~~ *accept the registration of* a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the ~~permit~~ *registration* of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

7. *A person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.*

Sec. 17. NRS 116A.430 is hereby amended to read as follows:

116A.430 1. The Commission shall by regulation provide for the ~~issuance~~ *registration* by the Division of ~~permits to~~ reserve study specialists. The regulations:

(a) Must establish the qualifications for ~~the issuance of such a permit,~~ *registration*, including, without limitation, the education and experience required ~~to obtain such a permit.~~ *for registration.*

(b) May require applicants to pass an examination ~~in order to obtain a permit.~~ *for registration.* If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.



(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(d) Must establish the grounds for initiating disciplinary action against a person ~~{to whom a permit has been issued,}~~ *who has registered*, including, without limitation, the grounds for placing conditions, limitations or restrictions on ~~{a permit}~~ *registration* and for the suspension or revocation of ~~{a permit}~~ *registration*.

(e) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for ~~{the issuance of a permit}~~ *registration* in an amount not to exceed the administrative costs of ~~{issuing the permit}~~ *registration*.

Sec. 18. NRS 116A.440 is hereby amended to read as follows:

116A.440 1. An applicant for a certificate or ~~{permit}~~ *registration* shall submit to the Division:

(a) The social security number of the applicant; and

(b) The statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for *registration or the issuance of the certificate*; ~~{or permit,}~~ or

(b) A separate form prescribed by the Division.

3. A certificate ~~{or permit}~~ may not be issued *and an application for registration may not be accepted* if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 19. NRS 116A.450 is hereby amended to read as follows:

116A.450 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to *a person who is registered or the holder of a certificate*, ~~{or, permit,}~~ the

Division shall deem the *registration or certificate* ~~for permit~~ to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the *person who is registered or the holder of the certificate* ~~for permit~~ by the district attorney or other public agency pursuant to NRS 425.550 stating that the *person who is registered or the holder of the certificate* ~~for permit~~ has complied with a subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a *registration or certificate* ~~for permit~~ that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the *person who is registered or the holder of the certificate* ~~for permit~~ that he has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 20. NRS 116A.460 is hereby amended to read as follows:

116A.460 The expiration or revocation of a *registration or certificate* ~~for permit~~ by operation of law or by order or decision of any agency or court of competent jurisdiction, or the voluntary surrender of such a *registration or certificate* ~~for permit~~ by the *person who is registered or the holder of the certificate* ~~for permit~~ does not:

1. Prohibit the Commission or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the *person who is registered or the holder of the certificate* ~~for permit~~ as authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto against the *person who is registered or the holder of the certificate* ~~for permit~~.

Sec. 21. NRS 116A.900 is hereby amended to read as follows:

116A.900 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a certificate or ~~for permit~~ *registration* is required pursuant to this chapter or chapter 116 of NRS, or any regulation adopted pursuant thereto, if the person does not hold the required certificate or ~~for permit~~ *has not registered* or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or \$5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Commission shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Commission deems to be relevant.

4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Commission in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter or chapter 116 of NRS if:

(a) A specific statute exempts the person from complying with the provisions of this chapter or chapter 116 of NRS with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 21.5. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. ~~{A}~~ Except as otherwise provided in this subsection, a governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or ~~{unreasonably}~~ restricts the owner of real property from using a system for obtaining solar or wind energy on his property. *A reasonable ordinance, regulation or plan concerning the color of such a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.*

2. ~~{Any}~~ Except as otherwise provided in subsection 3, any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~{unreasonably}~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

3. ~~{The owner of the property has the burden of showing that a restriction or requirement on the use of such a system significantly decreases the efficiency or performance of the system.~~

4. ~~For the purposes of this section} ~~{, "unreasonably"}~~~~

~~(a) "Significantly decreases the efficiency or performance of the system" means a decrease of 20 percent or more in the efficiency or performance of the system.~~

~~(b) "Unreasonably restricting the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a~~

~~system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.] A reasonable covenant, restriction or condition concerning the color of a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.~~

Sec. 22. ~~[NRS 360.765 is hereby amended to read as follows:]~~

~~360.765 1. Except as otherwise provided in subsection 2, "business" means:~~

~~(a) Any person, except a natural person, that performs a service or engages in a trade for profit; or~~

~~(b) Any natural person who performs a service or engages in a trade for profit if the person is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business Form, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss Form, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming Form, or its equivalent or successor form, for that activity.~~

~~2. The term does not include:~~

~~(a) A governmental entity.~~

~~(b) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c).~~

~~(c) A person who operates a business from his home and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NRS and rounded to the nearest hundred dollars.~~

~~(d) A natural person whose sole business is the rental of four or fewer dwelling units to others.~~

~~(e) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.~~

~~(f) A unit owners' association organized pursuant to NRS 116.3101 as a nonprofit corporation, trust or partnership.] (Deleted by amendment.)~~

Sec. 23. 1. This ~~[act becomes]~~ section and section 11 of this act become effective on July 1, 2007.

2. Sections 1 to 10, inclusive, and 12 to 22, inclusive, become effective on October 1, 2007.

~~[2.]~~ 3. Sections 18 and 19 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

Amendment No. 1006.

"SUMMARY—Makes various changes to the provisions governing common-interest communities. (BDR 10-234)"

"AN ACT relating to common-interest communities; revising provisions governing restrictions on the use of systems for obtaining solar or wind energy; requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; revising the provisions governing the regulation of certain streets in certain common-interest communities; prohibiting the use of delegates or representatives to exercise the voting rights of units' owners in the election or removal of a member of the executive board; allowing the use of delegates or representatives to exercise the voting rights of owners of certain time shares; prohibiting an association in a common-interest community from imposing an assessment against certain tax-exempt property; exempting certain associations ~~located in certain smaller counties~~ from using a reserve study specialist for conducting a study of reserves; exempting certain associations ~~located in certain smaller counties~~ from using an independent certified public ~~(account)~~ accountant for certain financial matters; requiring the signatures of certain persons before money in the operating account of an association may be withdrawn; revising the provisions relating to foreclosure of liens against units; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; requiring applicants for a certificate for the management of a common-interest community to post certain bonds; making various other changes relating to common-interest communities; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that a covenant, restriction or condition in a deed, contract or other legal instrument cannot unreasonably restrict the use of a system for obtaining solar or wind energy. (NRS 111.239, 278.0208) Sections 1 and 21.5 of this bill provide that the only restriction on the use of such a system is with respect to color in certain circumstances.

Section 1.3 of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) Section 1.4 of this

bill prohibits a common-interest community from restricting the operation of motorcycles. Section 1.6 of this bill prohibits a common-interest community from using information from radar guns as the basis for a fine or penalty.

~~[ Existing law provides that a covenant, restriction or condition in a deed, contract or other legal instrument cannot unreasonably restrict the use of a system for obtaining solar or wind energy. (NRS 111.239, 278.0208.) Sections 1 and 21.5 of this bill provide that the only restriction on the use of such a system is with respect to color in certain circumstances. ]~~

Section 1.7 of this bill: (1) states that the provisions of chapter 116 of NRS do not invalidate or modify the tariffs, rules and standards of a public utility; and (2) provides that the governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility.

Under existing law, a common-interest community created before January 1, 1992, and a common-interest community, with a declaration so providing, that consists of at least 1,000 units, may have the voting rights of the units' owners in the association for that common-interest community be exercised by delegates or representatives. (NRS 116.1201, 116.31105) Sections 2.3 and 3.5-4.7 of this bill prohibit the use of delegates or representatives to exercise the voting rights of units' owners in the election or removal of a member of the executive board. However, a master association which governs a time-share plan created pursuant to chapter 119A of NRS is allowed to continue using delegates or representatives to exercise the voting rights of owners of time shares.

Section 3.3 of this bill prohibits an association from imposing an assessment against property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sections 4, 8, 12-14 and 16-21 of this bill eliminate the issuance of permits to reserve study specialists and instead provide for their registration. (NRS 116.31038, 116.750, 116A.120, 116A.260 and 116A.420-116A.900)

~~[Sections 6.3 and] Section 6.7 of this bill [provide that in a county whose population is 45,000 or less] provides that if the annual budget of an association is less than \$40,000, then the association is not required to use a certified public accountant to [prepare, present,] audit [or review] certain financial statements. (NRS [116.31142,] 116.31144)~~

Section 8 of this bill provides that an association which contains 20 or fewer units and which is located in a county whose population is 45,000 or less is not required to use a registered reserve study specialist to conduct the study of reserves of the association. (NRS 116.31152)

Existing law requires certain signatures before money in the reserve account of an association may be withdrawn. (NRS 116.31153) Section 9.2 of this bill also requires certain signatures before money in the operating account of an association may be withdrawn.

Existing law provides for an association to have a lien on a unit for any construction penalty, assessment or fine imposed against the unit's owner

which may later be foreclosed upon. (NRS 116.3116) Section 9.4 of this bill requires an association to obtain approval from the Commission on Common-Interest Communities before attempting to foreclose its lien. The Commission must approve the foreclosure of the lien if the association has followed certain procedures. In addition, section 9.6 of this bill changes existing law to provide that the sale of a unit as a result of a foreclosure of a lien is subject to an equity or right of redemption. (NRS 116.31166)

Section 9.8 of this bill provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, provide equal space and equivalent exposure to opposing views and opinions. If an official publication contains information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to opposing views and opinions. In addition, section 9.8 provides that if an official publication contains any mention of a candidate or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by State or local governments for public use. (NRS 116.350) Section 10 of this bill further prohibits a common-interest community from restricting the parking of certain ~~utility~~ service vehicles, law enforcement vehicles and emergency services vehicles.

Section 11 of this bill deems deposits made in connection with the purchase or reservation of units from a person required to deliver a public offering statement placed in out-of-state escrow companies as being deposited in this State if the escrow holder has a legal right to conduct business in the State, has a resident agent in this State and has consented to the jurisdiction of the courts of this State. (NRS 116.411)

Existing law provides for the Commission to adopt regulations concerning the issuance of certificates for community managers. (NRS 116A.410) Section 15.5 of this bill provides that the regulations must: (1) require an applicant to post a bond in a form and in an amount established by regulation; and (2) adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.

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

Section 1. NRS 111.239 is hereby amended to read as follows:

111.239 1. ~~Any~~ Except as otherwise provided in subsection 2, any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~unreasonably~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.

2. ~~[For the purposes of this section, "unreasonably restricts the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.] A reasonable covenant, restriction or condition concerning the color of such a system is enforceable so long as it does not prohibit the owner from using ~~the~~ a standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.~~

Sec. 1.2. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[1.4 and 1.6]~~ 1.3 to 1.7, inclusive, of this act.

Sec. 1.3. A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:

1. Disclose the matter to the executive board; and

2. Abstain from voting on any such matter.

Sec. 1.4. 1. The executive board of a common-interest community shall not, and the governing documents of a common-interest community must not, restrict, prohibit or otherwise impede the operation of a motorcycle if the motorcycle is operated on any road, street, alley or other surface intended for use by a motor vehicle.

2. The provisions of this section do not preclude the governing documents of a common-interest community from reasonably restricting the parking or storage of a motorcycle to the extent authorized by law.

3. As used in this section, "motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground which is required to be registered pursuant to chapter 482 of NRS.

Sec. 1.6. 1. A member of the executive board of a common-interest community, a community manager for the common-interest community and any other representative of the association shall not use a radar gun or other device designed to gauge the speed of a vehicle for the purpose of imposing any fine or other penalty upon or taking any other action against a unit's owner or other person.

2. The executive board of a common-interest community shall not impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

3. The governing documents of a common-interest community must not authorize the executive board or any other person to impose any fine or other penalty upon or take any other action against a unit's owner or other person based on the results of any test conducted using a radar gun or other device designed to gauge the speed of a vehicle.

Sec. 1.7. 1. The provisions of this chapter do not invalidate or modify the tariffs, rules and standards of a public utility.



2. The governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility. Any provision of the governing documents which conflicts with the tariffs, rules and standards of a public utility is void and may not be enforced against a purchaser.

3. As used in this section, "public utility" has the meaning ascribed to it in NRS 704.020.

Sec. 1.8. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.3. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038, 116.31083 and 116.31152; and

(II) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter does apply to that planned community. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

(c) Common-interest communities or units located outside of this State, but the provisions of NRS 116.4102 to 116.4108, inclusive, apply to all contracts for the disposition thereof signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992; ~~for~~

(d) Prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government ~~for~~, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives; or

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

*Sec. 2.7. NRS 116.1203 is hereby amended to read as follows:*

116.1203 1. Except as otherwise provided in subsection 2, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, and section 1.3 of this

act, and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than six units.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. *NRS 116.3102 is hereby amended to read as follows:*

116.3102 1. Except as otherwise provided in ~~subsection 2,~~ *this section*, and subject to the provisions of the declaration, the association may do any or all of the following:

- (a) Adopt and amend bylaws, rules and regulations.
- (b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.
- (c) Hire and discharge managing agents and other employees, agents and independent contractors.
- (d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.
- (e) Make contracts and incur liabilities.
- (f) Regulate the use, maintenance, repair, replacement and modification of common elements.
- (g) Cause additional improvements to be made as a part of the common elements.
- (h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:
  - (1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and
  - (2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.
- (i) Grant easements, leases, licenses and concessions through or over the common elements.
- (j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners.
- (k) Impose charges for late payment of assessments.
- (l) Impose construction penalties when authorized pursuant to NRS 116.310305.
- (m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.
- (n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by

NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 3.5. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, at least a majority of whom must be units' owners. Unless the governing documents provide otherwise, the remaining members of the executive board do not have to be units' owners. The executive board shall elect the officers of the association. The members of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 2 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of his eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Each person whose name is placed on the ballot as a candidate for a member of the executive board must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➡ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. ~~[The] Except as otherwise provided in NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot [unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot.]~~ in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to

the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

*Sec. 3.7. NRS 116.31036 is hereby amended to read as follows:*

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section the number of votes cast in favor of removal constitutes:

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election.

2. ~~2. [The] Except as otherwise provided in NRS 116.31105, the removal of any member of the executive board must be conducted by secret written ballot [unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the removal of a member of the executive board is conducted by secret written ballot.]~~ *in the following manner:*

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring

on the property. Punitive damages may not be recovered against the association, but may be recovered from persons whose activity gave rise to the damages.

4. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.

Sec. 4. NRS 116.31038 is hereby amended to read as follows:

116.31038 In addition to any applicable requirement set forth in NRS 116.310395, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:

1. The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

2. An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of inception of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position.

3. A complete study of the reserves of the association, conducted by a person who ~~holds a permit to conduct such a study issued~~ *is registered as a reserve study specialist* pursuant to chapter 116A of NRS. At the time the control of the declarant ends, he shall:

(a) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, he has failed to pay his share of the amounts due, the executive board shall authorize the declarant to pay the deficiency in installments for a period of 3 years, unless the declarant and the executive board agree to a shorter period.

(b) Disclose, in writing, the amount by which he has subsidized the association's dues on a per unit or per lot basis.

4. The association's money or control thereof.

5. All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.



6. A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

7. All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

8. Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community other than units in a planned community.

9. Any renewable permits and approvals issued by governmental bodies applicable to the common-interest community which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the community.

10. Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

11. A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

12. Contracts of employment in which the association is a contracting party.

13. Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.

*Sec. 4.3. NRS 116.3108 is hereby amended to read as follows:*

116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this section and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election and:

(a) The voting rights of the ~~units~~ owners of time shares will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal

election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent

prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. A copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request and, if required by the executive board, upon payment to the association of the cost of providing the copy to the unit's owner.

7. Except as otherwise provided in subsection 8, the minutes of each meeting of the units' owners must include:

- (a) The date, time and place of the meeting;
- (b) The substance of all matters proposed, discussed or decided at the meeting; and
- (c) The substance of remarks made by any unit's owner at the meeting if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.

8. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

9. The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

10. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his intent to record the meeting to the other units' owners who are in attendance at the meeting.

11. The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

- (a) Could not have been reasonably foreseen;
- (b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;
- (c) Requires the immediate attention of, and possible action by, the executive board; and
- (d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

*Sec. 4.5. NRS 116.311 is hereby amended to read as follows:*

116.311 1. If only one of several owners of a unit is present at a meeting of the association, that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes

allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to that unit without protest made promptly to the person presiding over the meeting by any of the other owners of the unit.

2. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

3. Before a vote may be cast pursuant to a proxy:

- (a) The proxy must be dated.
- (b) The proxy must not purport to be revocable without notice.
- (c) The proxy must designate the meeting for which it is executed.
- (d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

- (e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed the number of proxies pursuant to which the holder will be casting votes.

4. A proxy terminates immediately after the conclusion of the meeting for which it is executed.

5. ~~Except as otherwise provided in this subsection, a~~ vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association. ~~unless~~ A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to chapter 119A of NRS if the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

6. The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

7. A proxy is void if the proxy or the holder of the proxy violates any provision of subsections 1 to 6, inclusive.

8. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) The provisions of subsections 1 to 7, inclusive, apply to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

9. If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

*Sec. 4.7. NRS 116.31105 is hereby amended to read as follows:*

116.31105 1. If the declaration so provides, in a common-interest community that consists of at least 1,000 units, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~but~~ except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

2. In addition to a common-interest community identified in subsection 1, if the declaration so provides, in a common-interest community created before October 1, 1999, the voting rights of the units' owners in the association for that common-interest community may be exercised by delegates or representatives ~~but~~ except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives.

3. In addition to a common-interest community identified in subsections 1 and 2, if the declaration so provides, the voting rights of the owners of time shares within a time-share plan created pursuant to chapter 119A of NRS which is governed by a master association may be exercised by delegates or representatives.

4. For the purposes of subsection 1, each unit that a declarant has reserved the right to create pursuant to NRS 116.2105 and for which developmental rights exist must be counted in determining the number of units in a common-interest community.

~~4.~~ 5. For the purposes of subsection 3, each time share that a developer has reserved the right to create pursuant to paragraph (g) of subsection 2 of NRS 119A.380 must be counted in determining the number of time shares in a time-share plan.

6. Notwithstanding any provision in the declaration, the election of any delegate or representative must be conducted by secret written ballot.

~~[5.]~~ 7. When an election of a delegate or representative is conducted by secret written ballot:

(a) The secretary or other officer of the association specified in the bylaws of the association shall cause a secret written ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association in the manner prescribed on the ballot may be counted to determine the outcome of the election.

(d) The secret written ballots must be opened and counted at a meeting called for the purpose of electing delegates or representatives. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) A candidate for delegate or representative may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association in the manner prescribed on the ballot before those secret written ballots have been opened and counted at a meeting called for that purpose.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.3. ~~NRS 116.31142 is hereby amended to read as follows:~~

~~116.31142 1. The Commission shall adopt regulations prescribing the requirements for the preparation and presentation of financial statements of an association pursuant to this chapter.~~

~~2. The regulations adopted by the Commission must include, without limitation:~~

~~(a) The qualifications necessary for a person to prepare and present financial statements of an association; and~~

~~(b) The standards and format to be followed in preparing and presenting financial statements of an association.~~

~~3. The Commission shall not adopt regulations requiring that financial statements be prepared by a certified public accountant if the association is located in a county whose population is 45,000 or less.] (Deleted by amendment.)~~

Sec. 6.7. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) If the annual budget of the association is less than \$40,000, cause the financial statement of the association to be audited at least once every 4 fiscal years.

(b) If the annual budget of the association is \$40,000 or more but less than \$75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

~~((b))~~ (c) If the annual budget of the association is \$75,000 or more but less than \$150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

~~((c))~~ (d) If the annual budget of the association is \$150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by ~~an~~ :

(a) A person deemed qualified by the association to conduct such an audit if the annual budget of the association is less than \$40,000; or

(b) An independent certified public accountant if the annual budget of the association is \$40,000 or more.

↪ if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. ~~Each audit and review of the financial statement of an association must be conducted by an independent certified public accountant, unless the association is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the association to conduct such an audit or review.~~

~~4.~~ The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association : ~~which do not conflict with subsection 3;~~ and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 116.31152 is hereby amended to read as follows:

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. The study of the reserves required by subsection 1 must be conducted by a person who ~~holds a permit issued~~ *is registered as a reserve study specialist pursuant to chapter 116A of NRS [ ] , unless the association contains 20 or fewer units and is located in a county whose population is 45,000 or less, and then by a person deemed qualified by the executive board to conduct such a study.*

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements that the association is obligated to repair, replace or restore;

(b) An identification of the major components of the common elements that the association is obligated to repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component of the common elements identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of repairing, replacement or restoration of the major components of the common elements identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

5. If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

Sec. 9. (Deleted by amendment.)

Sec. 9.2. NRS 116.31153 is hereby amended to read as follows:



116.31153 1. Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

Sec. 9.4. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in subsection 4, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest, at his address if known and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The Commission has approved of the foreclosure of the lien. The Commission shall grant approval for the foreclosure of the lien if the Commission finds that the association has complied with paragraph (a) and the association or other person conducting the sale has complied with paragraph (b).

(d) The unit's owner or his successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its

enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

- (a) The date on which the notice of default is recorded; or
- (b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest at his address, if known, and at the address of the unit, ➤ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

*Sec. 9.6. NRS 116.31166 is hereby amended to read as follows:*

116.31166 1. The recitals in a deed made pursuant to NRS 116.31164 of:

(a) Default, the mailing of the notice of delinquent assessment, and the recording of the notice of default and election to sell;

(b) The elapsing of the 90 days; and

(c) The giving of notice of sale,

➤ are conclusive proof of the matters recited.

2. Such a deed containing those recitals is conclusive against the unit's former owner, his heirs and assigns, and all other persons. The receipt for the purchase money contained in such a deed is sufficient to discharge the purchaser from obligation to see to the proper application of the purchase money.

3. The sale of a unit pursuant to NRS 116.31162, 116.31163 and 116.31164 ~~vests in the purchaser the title of the unit's owner without~~ is subject to an equity or right of redemption, as provided in this section.

4. Upon a sale of a unit:

(a) The purchaser acquires all the right, title, interest and claim of the unit's owner thereto; and

(b) The purchaser must receive a certificate of sale in recordable form which must state:

(1) The description of the unit sold;

(2) The price bid for the unit sold; and

(3) That the unit is subject to redemption within 120 days of the date of the sale.

5. A copy of the certificate of sale must be posted on the door of the unit, with a copy mailed first class, postage prepaid, to the addresses of the unit's

owner and persons entitled to redeem as indicated in the records of the association and the last known address as shown in the records of the county.

6. A person who purchases a unit at a sale pursuant to this section may not transfer ownership of the unit to a person other than a unit's owner or redemptioner during the redemption period.

7. A unit sold subject to redemption, as provided in this section, may be redeemed within 120 days of the date of the sale in the manner hereinafter provided by the following persons or their successors in interest:

(a) The unit's owner or a successor in interest with a recorded interest in the whole or any part of the unit.

(b) A creditor having a security interest on the unit sold or on some share or part thereof.

8. To redeem a unit purchased at a sale pursuant to this section, the unit's owner or redemptioner must pay to the purchaser:

(a) The amount the purchaser paid for the unit at the sale;

(b) The amount of the fee for recording the certificate of sale; and

(c) The amount paid by the purchaser for property taxes and assessments, including, without limitation, assessments due under any applicable declaration, any penalties, interest and costs on the unit, and any applicable real property transfer taxes.

9. Written notice of redemption in recordable form must be given to the redemptioner by the purchaser at the time of payment.

10. If the property is not redeemed within the 120-day period, then the purchaser or his assignee is entitled to a deed to the property from the association.

Sec. 9.8. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, except for those records described in subsection 2; and

(c) A contract between the association and an attorney.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If he is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of \$10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space in the same issue to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. Except as otherwise provided in this subsection, if an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community. If an official publication contains or will contain any information concerning a civil action or claim in which the association is a party, the official publication is not required to provide equal space to any opposing views or opinions.

8. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,

↪ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 10. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~[The]~~ Except as otherwise provided in subsection 3, the provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of *inoperable vehicles*, recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a ~~[utility]~~ service vehicle ~~[that has a gross vehicle weight rating of 20,000 pounds or less]~~ on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in any activity relating to the delivery of ~~[public utility]~~ services to subscribers or consumers; or

(2) If the person is:

(I) A unit's owner;

(II) Parking the vehicle within 50 yards of his unit; and

(III) Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for ~~[public utility]~~ services; or

(b) Parking a law enforcement vehicle or emergency services vehicle on a driveway, road, street, alley or other thoroughfare:

(1) While the person is engaged in his official duties; or

(2) If the person is:

(I) A unit's owner;

(II) *Parking the vehicle within 50 yards of his unit; and*

(III) *Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.*

4. *As used in this section:*

(a) *"Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 350.105.*

(b) *"Emergency services vehicle" means a vehicle:*

(1) *Owned by any governmental agency or political subdivision of this State; and*

(2) *Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.*

(c) *"Law enforcement vehicle" means a vehicle:*

(1) *Owned by any governmental agency or political subdivision of this State; and*

(2) *Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.*

(d) ~~"Utility service"~~ *"Service vehicle" means any commercial motor vehicle:*

(1) *Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of ~~public utility~~ services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service.*

(2) *Except for any emergency use, operated primarily within the service area of ~~a utility's~~ subscribers or consumers, without regard to whether the commercial motor vehicle is owned, leased or rented by the utility.*

Sec. 11. NRS 116.411 is hereby amended to read as follows:

116.411 1. Except as otherwise provided in subsections 2 ~~[and 3,]~~ , 3 and 4, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 must be placed in escrow and held either in this State or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

(a) *Delivered to the declarant at closing;*

(b) *Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;*

(c) *Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:*

(1) *Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and*

(2) *Must be credited upon the purchase price; or*

(d) *Refunded to the purchaser.*

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this State as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

- (a) Delivered to the declarant at closing;
- (b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or
- (c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released must not exceed the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.

4. *Pursuant to subsection 1, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 is deemed to be placed in escrow and held in this State when the escrow holder has:*

- (a) *The legal right to conduct business in this State;*
- (b) *A resident agent in this State pursuant to subsection 1 of NRS 14.020;*  
and
- (c) *Consented to the jurisdiction of the courts of this State by:*
  - (1) *Maintaining a physical presence in this State; or*
  - (2) *Executing a written instrument containing such consent, with respect to any suit or claim, whether brought by the declarant or purchaser, relating to or arising in connection with such sale or the escrow agreement related thereto.*

Sec. 12. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

- (a) Any association and any officer, employee or agent of an association.
- (b) Any member of an executive board.
- (c) Any community manager who holds a certificate and any other community manager.
- (d) Any person who ~~holds a permit to conduct a study of the reserves of an association issued~~ *is registered as a reserve study specialist, or who conducts a study of reserves, pursuant to chapter 116A of NRS.*
- (e) Any declarant or affiliate of a declarant.
- (f) Any unit's owner.

(g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his office, employment, agency or position or who held his office, employment, agency or position at the commencement of proceedings against him.

(b) Resigns his office, employment, agency or position:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 13. NRS 116A.120 is hereby amended to read as follows:

116A.120 ~~["Permit"]~~ "Registration" means ~~a permit~~ registration to conduct a study of the reserves of an association pursuant to NRS 116.31152 ~~issued by~~ with the Division pursuant to this chapter.

Sec. 14. NRS 116A.260 is hereby amended to read as follows:

116A.260 The Division shall maintain in each district office a public docket or other record in which it shall record, from time to time as made:

1. The rulings or decisions upon all complaints filed with that district office.

2. All investigations instituted by that district office in the first instance, upon or in connection with which any hearing has been held, or in which the person charged has made no defense.

3. Denials of applications made to that district office for examination, registration or issuance of a certificate . ~~for permit.~~

Sec. 15. (Deleted by amendment.)

*Sec. 15.5. NRS 116A.410 is hereby amended to read as follows:*

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate.

(b) Must require an applicant to post a bond in a form and in an amount established by regulation. The Commission shall, by regulation, adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control.

(c) May require applicants to pass an examination in order to obtain a certificate. If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.



~~[(c)]~~ (d) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

~~[(d)]~~ (e) Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

~~[(e)]~~ (f) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

Sec. 16. NRS 116A.420 is hereby amended to read as follows:

116A.420 1. Except as otherwise provided in this section, a person shall not act as a reserve study specialist unless the person ~~[holds a permit.]~~ *registers with the Division on a form provided by the Division.*

2. The Commission shall by regulation provide for the standards of practice for reserve study specialists. ~~[who hold permits.]~~

3. The Division may investigate any reserve study specialist ~~[who holds a permit]~~ to ensure that the reserve study specialist is complying with the provisions of this chapter and chapter 116 of NRS and the standards of practice adopted by the Commission.

4. In addition to any other remedy or penalty, if the Commission or a hearing panel, after notice and hearing, finds that a reserve study specialist ~~[who holds a permit]~~ has violated any provision of this chapter or chapter 116 of NRS or any of the standards of practice adopted by the Commission, the Commission or the hearing panel may take appropriate disciplinary action against the reserve study specialist.

5. In addition to any other remedy or penalty, the Commission may:

(a) Refuse to ~~[issue a permit to]~~ *accept the registration of* a person who has failed to pay money which the person owes to the Commission or the Division.

(b) Suspend, revoke or refuse to renew the ~~[permit]~~ *registration* of a person who has failed to pay money which the person owes to the Commission or the Division.

6. The provisions of this section do not apply to a member of an executive board or an officer of an association who is acting solely within the scope of his duties as a member of the executive board or an officer of the association.

7. *A person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.*

Sec. 17. NRS 116A.430 is hereby amended to read as follows:

116A.430 1. The Commission shall by regulation provide for the ~~[issuance]~~ *registration* by the Division of ~~[permits to]~~ reserve study specialists. The regulations:

(a) Must establish the qualifications for ~~{the issuance of such a permit,}~~ *registration*, including, without limitation, the education and experience required ~~{to obtain such a permit,}~~ *for registration*.

(b) May require applicants to pass an examination ~~{in order to obtain a permit,}~~ *for registration*. If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(d) Must establish the grounds for initiating disciplinary action against a person ~~{to whom a permit has been issued,}~~ *who has registered*, including, without limitation, the grounds for placing conditions, limitations or restrictions on ~~{a permit}~~ *registration* and for the suspension or revocation of ~~{a permit,}~~ *registration*.

(e) Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for ~~{the issuance of a permit}~~ *registration* in an amount not to exceed the administrative costs of ~~{issuing the permit,}~~ *registration*.

Sec. 18. NRS 116A.440 is hereby amended to read as follows:

116A.440 1. An applicant for a certificate or ~~{permit}~~ *registration* shall submit to the Division:

(a) The social security number of the applicant; and

(b) The statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for *registration* or the issuance of the certificate ; ~~{or permit,}~~ or

(b) A separate form prescribed by the Division.

3. A certificate ~~{or permit}~~ may not be issued *and an application for registration may not be accepted* if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount

owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 19. NRS 116A.450 is hereby amended to read as follows:

116A.450 1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to *a person who is registered or the holder of a certificate*, ~~{or, permit,}~~ the Division shall deem the *registration or certificate* ~~{or permit}~~ to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the *person who is registered or the holder of the certificate* ~~{or permit}~~ by the district attorney or other public agency pursuant to NRS 425.550 stating that the *person who is registered or the holder of the certificate* ~~{or permit}~~ has complied with a subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Division shall reinstate a *registration or certificate* ~~{or permit}~~ that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the *person who is registered or the holder of the certificate* ~~{or permit}~~ that he has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 20. NRS 116A.460 is hereby amended to read as follows:

116A.460 The expiration or revocation of a *registration or certificate* ~~{or permit}~~ by operation of law or by order or decision of any agency or court of competent jurisdiction, or the voluntary surrender of such a *registration or certificate* ~~{or permit}~~ by the *person who is registered or the holder of the certificate* ~~{or permit}~~ does not:

1. Prohibit the Commission or the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the *person who is registered or the holder of the certificate* ~~{or permit}~~ as authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or chapter 116 of NRS or the regulations adopted pursuant thereto against the *person who is registered or the holder of the certificate*. ~~{or permit,}~~

Sec. 21. NRS 116A.900 is hereby amended to read as follows:

116A.900 1. In addition to any other remedy or penalty, the Commission may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a certificate or ~~{permit}~~ *registration* is required pursuant to this chapter or chapter 116 of NRS, or any regulation adopted pursuant thereto, if the person does not hold the required certificate or ~~{permit}~~ *has not registered* or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Commission imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or \$5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Commission shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Commission deems to be relevant.

4. Before the Commission may impose the administrative fine, the Commission must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Commission in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter or chapter 116 of NRS if:

(a) A specific statute exempts the person from complying with the provisions of this chapter or chapter 116 of NRS with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 21.5. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. ~~[A]~~ *Except as otherwise provided in this subsection, a governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or ~~unreasonably~~ restricts the owner of real property from using a system for obtaining solar or wind energy on his property. A reasonable ordinance, regulation or plan concerning the color of such a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.*

2. ~~[Any]~~ *Except as otherwise provided in subsection 3, any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer, sale or any other interest in real property that prohibits or ~~unreasonably~~ restricts the owner of the property from using a system for obtaining solar or wind energy on his property is void and unenforceable.*

3. ~~[For the purposes of this section, "unreasonably restricting the use of a system for obtaining solar or wind energy" means placing a restriction or requirement on the use of such a system which significantly decreases the efficiency or performance of the system and does not allow for the use of an alternative system at a comparable cost and with comparable efficiency and performance.] A reasonable covenant, restriction or condition concerning the color of a system is enforceable so long as it does not prohibit the owner from using the standard color in which the system is made, does not cost significantly more than another color and does not have the effect of prohibiting the use of such a system.~~

Sec. 22. (Deleted by amendment.)

Sec. 22.5. Section 9.6 of this act applies to a sale of a unit conducted pursuant to NRS 116.31162, 116.31163 and 116.31164 on or after October 1, 2007.

Sec. 23. 1. This section ~~[and section]~~ becomes effective upon passage and approval.

2. Section 11 of this act ~~[become]~~ becomes effective on July 1, 2007.

~~[2.] 3.~~ Sections 1 to 10, inclusive, ~~[and]~~ 12 to ~~[22.] 15, inclusive, and 16 to 22.5,~~ inclusive, become effective on October 1, 2007.

~~[3.] 4.~~ Section 15.5 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

5. Sections 18 and 19 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

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

Senator Townsend moved that the Senate do not concur in the Assembly amendments to Senate Bill No. 436.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 487.

The following Assembly amendment was read:

Amendment No. 893.

"SUMMARY—Revises provisions relating to water resources in certain counties. (BDR ~~[48-183])~~ S-183)"

"AN ACT relating to water; ~~providing for the regional acquisition, development, management and conservation of water resources in certain portions of Washoe County; creating the Northern Nevada Water Authority; setting forth the powers and duties of the Authority; creating the Northern Nevada Water Planning Commission to advise and assist the Authority; repealing provisions relating to regional planning and management of water in certain counties;~~ creating an Advisory Subcommittee of the Washoe County Regional Water Planning Commission; requiring the Commission, in conjunction with the Subcommittee, to assess and examine certain matters pertaining to the availability and responsible use of water within Washoe County and to submit a report to the Legislature in connection therewith; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing general law provides for regional planning and management of water by a water planning commission in counties whose population is 100,000 or more but less than 400,000 (currently Washoe County). Under that general law, a board of county commissioners is required to adopt a comprehensive plan for the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods and is required to take action by a two-thirds majority. This general law also provides for a water planning commission, which reports to and advises the board of county commissioners concerning issues relating to water resources. (NRS 540A.010-540A.310)

~~¶ This bill repeals that general law and creates by special legislation a new structure for regional planning and management of water resources in certain portions of Washoe County based on the unique conditions and circumstances existing in those areas. Under the Nevada Constitution, the Legislature may pass a special or local law if the subject matter of the law does not fall within one of certain enumerated categories and a general law cannot be made applicable because of special circumstances and conditions. (Nev. Const. Art. 4, §§ 20, 21) Section 5 of this bill specifies the unique conditions and circumstances in these portions of Washoe County that justify special legislation for the purpose of regional planning and management of water resources.~~

~~Sections 23 and 24-28 of this bill create the Northern Nevada Water Authority, which is governed by a Board of Trustees consisting of representatives of Washoe County, the cities of Reno and Sparks and various public entities that provide services relating to water and wastewater in Washoe County. Sections 37-42 of this bill create the Northern Nevada Water Planning Commission, which reports to and advises the Board of Trustees of the Authority.~~

~~In lieu of creating the Northern Nevada Water Authority pursuant to section 23 of this bill, section 23.5 of this bill authorizes the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District and Truckee Meadows Water Authority to create the Northern Nevada Water~~

~~Authority by cooperative agreement. The cooperative agreement must be entered into and become effective before January 1, 2008.~~

~~Sections 35-53 of this bill require the development and adoption of a comprehensive plan for the area over which the Authority has jurisdiction, which must address the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods. Sections 29-36 and 54-57 of this bill authorize the Board of Trustees to: (1) subject to certain exceptions, acquire and dispose of, in any manner, water rights, water supplies and related facilities; (2) schedule the delivery of water supplies held by certain water purveyors before January 1, 2008; (3) establish service territories of those purveyors for new water service provided on and after January 1, 2008; (4) establish, charge and collect various fees for services relating to the provision of water supplies; (5) provide for water conservation by various means; (6) subject to certain exceptions, exercise the power of eminent domain as necessary to acquire private property; and (7) issue bonds and other obligations.~~

~~Section 61 of this bill creates a temporary statutory legislative committee to oversee the programs and activities of the Authority.]~~

Section 2 of this bill creates an Advisory Subcommittee of the Washoe County Regional Water Planning Commission. The Subcommittee consists of six members, including two Legislators appointed, respectively, by the Majority Leader of the Senate and the Speaker of the Assembly and four members of the general public who are appointed by the four purveyors of water in Washoe County: (1) the South Truckee Meadows General Improvement District; (2) the Sun Valley General Improvement District; (3) the Truckee Meadows Water Authority; and (4) Washoe County.

Section 3 of this bill requires the Commission, in conjunction with the Subcommittee, to make assessments, determinations and recommendations regarding several issues pertaining to the availability and responsible use of water within Washoe County.

Section 4 of this bill requires the Commission, in conjunction with the Subcommittee, to report on the activities carried out pursuant to section 3 and submit that report, accompanied by any recommendations for legislation, to the 75th Session of the Nevada Legislature.

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

Delete existing sections 1 through 62 of this bill and replace with the following new sections 1 through 6:

Section 1. As used in sections 1 to 4, inclusive, of this act, unless the context otherwise requires:

1. "Commission" means the Washoe County Regional Water Planning Commission.

2. "Purveyor of water" means:

(a) The South Truckee Meadows General Improvement District;

(b) The Sun Valley General Improvement District;

(c) The Truckee Meadows Water Authority; and

(d) Washoe County.

3. "Subcommittee" means the Advisory Subcommittee created pursuant to section 2 of this act.

Sec. 2. 1. There is hereby created an Advisory Subcommittee of the Washoe County Regional Water Planning Commission.

2. The Subcommittee consists of six members as follows:

(a) One member of the Senate, appointed by the Majority Leader of the Senate;

(b) One member of the Assembly, appointed by the Speaker of the Assembly; and

(c) Four members of the general public who are consumers of water services, one appointed by each of the four purveyors of water.

3. The Commission shall provide the Subcommittee with any necessary staff and administrative support.

Sec. 3. The Commission, in conjunction with the Subcommittee, shall:

1. Assess conjunctive use by the purveyors of water to determine if those purveyors are maximizing conjunctive use and, if not, recommend ways in which maximized conjunctive use may be achieved. As used in this subsection, "conjunctive use" means the combined use of surface water and groundwater systems to optimize resource use.

2. Determine the amount of water required to accommodate the substantial completion of development of land as anticipated in the Truckee Meadows Regional Plan, and assess how much of that required amount of water is available within Washoe County.

3. If the amount of water required to accommodate the substantial completion of development of land as anticipated in the Truckee Meadows Regional Plan, as determined pursuant to subsection 2, is not available within Washoe County:

(a) Examine other potential locations from which additional water may be obtained; and

(b) Prepare a reasonably detailed estimate of the cost of obtaining that additional water from other locations.

4. Determine the extent to which there is a duplication of water facilities and recommend a course of action to eliminate or minimize such duplication.

5. Identify sources of funding to pay for the water required to accommodate the substantial completion of development of land as anticipated in the Truckee Meadows Regional Plan, including, without limitation, sources of funding to pay for:

(a) Water that is available within Washoe County; and

(b) Water that will need to be obtained from other locations.

6. Assess the adequacy of any water conservation plans developed or adopted by the purveyors of water and, if it is determined that those plans are inadequate, make recommendations as to the specific manner in which those plans may be improved.



Sec. 4. On or before July 1, 2008, the Commission, in conjunction with the Subcommittee, shall prepare a written report of the matters considered and the actions taken pursuant to section 3 of this act and shall submit the report, accompanied by any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 75th Session of the Nevada Legislature.

Sec. 5. As soon as practicable after the effective date of this act, the Majority Leader of the Senate, the Speaker of the Assembly and the purveyors of water, as defined in section 1 of this act, shall appoint to the Advisory Subcommittee of the Washoe County Regional Water Planning Commission the members described in section 2 of this act.

Sec. 6. This act becomes effective upon passage and approval and expires by limitation on June 30, 2009.

Senator Rhoads moved that the Senate do not concur in the Assembly amendment to Senate Bill No. 487.

Remarks by Senator Rhoads.

Motion carried.

Bill ordered transmitted to the Assembly.

#### RECEDE FROM SENATE AMENDMENTS

Senator Rhoads moved that the Senate do not recede from its action on Assembly Bill No. 13, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Rhoads.

Motion carried.

Bill ordered transmitted to the Assembly.

#### APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Heck, McGinness and Carlton as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 13.

#### RECEDE FROM SENATE AMENDMENTS

Senator Washington moved that the Senate do not recede from its action on Assembly Bill No. 148, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

#### APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Washington, Woodhouse and Heck as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 148.

## RECEDE FROM SENATE AMENDMENTS

Senator Rhoads moved that the Senate do not recede from its action on Assembly Bill No. 285, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Rhoads.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators McGinness, Rhoads and Schneider as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 285.

## RECEDE FROM SENATE AMENDMENTS

Senator Washington moved that the Senate do not recede from its action on Assembly Bill No. 443, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Washington.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Heck, Horsford and Cegavske as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 443.

## RECEDE FROM SENATE AMENDMENTS

Senator Nolan moved that the Senate do not recede from its action on Assembly Bill No. 497, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senators Nolan and Titus.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Lee, Amodei and Woodhouse as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 497.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 2:03 p.m.

## SENATE IN SESSION

At 2:09 p.m.

President Krolicki presiding.

Quorum present.

## REPORTS OF CONFERENCE COMMITTEES

*Mr. President:*

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.

Conference Amendment.

"SUMMARY—Makes various changes to provisions concerning graffiti and other damage to property. (BDR 15-387)"

"AN ACT relating to crimes; making it unlawful to carry a graffiti implement in certain places and in certain circumstances; providing that a governmental entity which incurs costs in cleaning up or removing graffiti may receive restitution if the graffiti was on public property; revising penalties for unlawfully placing graffiti on the property of another; revising provisions governing the suspension of or delay in issuing a driver's license when a person is convicted for placing graffiti on or defacing property; providing penalties; and providing other matters properly relating thereto."

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 ~~to~~ 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, ~~is~~ ~~is guilty of a misdemeanor.~~

(b) Where the value of the loss is ~~\$250~~ ~~is~~ ~~\$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 ~~the "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~~ *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.

MIKE MCGINNESS

TERRY CARE

MARK E. AMODEI

*Senate Conference Committee*

JOHN OCEGUERA

BERNIE ANDERSON

JOHN C. CARPENTER

*Assembly Conference Committee*

Senator McGinness moved that the Senate adopt the report of the first Conference Committee concerning Assembly Bill No. 14.

Motion carried by a constitutional majority.

## APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Washington, Wiener and Cegavske as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 143.

President Krolicki appointed Senators Nolan, Wiener and Washington as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 244.

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Senate Resolution No. 9—Designating certain members of the Senate as regular and alternate members of the Legislative Commission.

Senator Cegavske moved the adoption of the resolution.

Remarks by Senator Cegavske.

Resolution adopted.

## SECOND READING AND AMENDMENT

Senate Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1063.

"SUMMARY—Makes ~~an appropriation to the Nevada System of Higher Education for~~ *various changes concerning* the support of research and other activities concerning ~~energy~~ *solid waste*. (BDR ~~[S-318]~~ *40-318*)"

"AN ACT relating to natural resources; ~~making an appropriation~~ *revising provisions concerning the use of certain money in the Solid Waste Management Account; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to make grants* to the Nevada System of Higher Education for the ~~construction and installation of a geothermal energy system, the establishment and operation of a laboratory for research concerning environmental sustainability, alternative energy and renewable resources and the~~ support of research *and other activities* relating to the reduction, ~~land~~ *and* reclamation *and conversion* of solid waste; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[This bill appropriates money]~~ *Under existing law, the proceeds from: (1) civil penalties for violations of certain laws concerning the management and disposal of solid waste; (2) damages recovered from persons or municipalities that violate those laws; and (3) the \$1 recycling fee that is collected on each new tire sold are deposited in the Solid Waste Management Account. (NRS 444.596, 444.598, 444A.090) The money in the Account is then allocated among the State Department of Conservation and Natural Resources and the various solid waste management authorities to be used for solid waste management and public education. (NRS 444.616) Under existing law, the Department is required to transfer a portion of the money it receives to the Division of Environmental Protection to use for public*



education. Section 1 of this bill authorizes the Division to use this money to support other activities that encourage the reduction of solid waste.

Under existing law, the Division is required to establish, sponsor, assist or otherwise conduct various programs and other activities that encourage the reduction of waste and litter. (NRS 444A.110) The Division conducts some of those activities on its own and others in conjunction with local governments, educational institutions and other state agencies. Section 2 of this bill expands the number of those activities to include making grants to the Nevada System of Higher Education for ~~[(1) the construction and installation of a geothermal energy system at the Renewable Energy Center of the University of Nevada, Reno; (2) the establishment and operation of a research laboratory at the Redfield Campus of the University of Nevada, Reno, to conduct research concerning environmental sustainability, alternative energy and renewable resources; and (3)]~~ the support of research relating to the reduction ~~[(and)]~~ reclamation *and conversion* of solid waste.

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

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

*Section 1. NRS 444.616 is hereby amended to read as follows:*

444.616 1. The State Controller shall allocate and remit, on a quarterly basis, the money in the Solid Waste Management Account as follows:

- (a) To the Department of Taxation, 0.5 percent.
- (b) To the State Department of Conservation and Natural Resources, 44.5 percent.
- (c) To the district board of health of the health district which has the largest population in this State, 30 percent.
- (d) To the district board of health of the health district which has the second largest population in this State, 25 percent.

➡ If more than two health districts are created within this State, the State Department of Conservation and Natural Resources shall transfer to the district boards of health of those additional districts an amount determined by the Department to be necessary to carry out the health district's duties pursuant to NRS 444.440 to 444.620, inclusive. If less than two health districts are created within this State, the amount otherwise allocated to a health district must be allocated to the State Department of Conservation and Natural Resources.

2. The money allocated pursuant to subsection 1 to the State Department of Conservation and Natural Resources and the district boards of health must be used for solid waste management in accordance with NRS 444.440 to 444.620, inclusive.

3. The State Department of Conservation and Natural Resources shall transfer to the Division of Environmental Protection of that Department a portion of the money it receives pursuant to this section it deems necessary ~~for use in educating the public concerning the objectives and functioning of~~

~~the State's plan for solid waste management.] the purposes set forth in NRS 444A.110.~~

*Sec. 2. NRS 444A.110 is hereby amended to read as follows:*

444A.110 1. The Division shall develop a program of public education to provide information, increase public awareness of the individual responsibility of properly disposing of solid waste and encouraging public participation in recycling, reuse and waste reduction. The program must be designed in accordance with the plans to provide for a solid waste management system approved pursuant to NRS 444.510 to communicate the importance of conserving natural resources, in addition to the importance of protecting public health and the environment. The program must include promotion of the private and public efforts to accomplish conservation, recovery and reuse.

2. The Division shall encourage the reduction of waste and litter by:

(a) Providing, upon request, advice to persons regarding techniques to reduce waste and general information on recycling.

(b) Establishing a computer database to process related information.

(c) Establishing a toll-free telephone line to assist in the dissemination of information.

(d) Sponsoring or cosponsoring technical workshops and seminars on waste reduction.

(e) Assisting local programs for the research and development of plans to reduce waste.

(f) Coordinating the dissemination of publications on waste reduction, regardless of the source of those publications.

(g) Assisting in the development and promotion of programs of continuing education for educators and administrators to enable them to teach and encourage methods of waste reduction.

(h) Developing an emblem to signify and advertise the efforts in Nevada to encourage recycling.

(i) Recommending to educational institutions courses and curricula relating to recycling and the reduction of waste.

(j) Assisting state agencies, upon request, to develop and carry out programs for recycling within state buildings.

(k) Making grants to the Nevada System of Higher Education for the support of research and development concerning the reduction, reclamation and conversion of solid waste.

3. The Division shall coordinate the technical assistance available from the various state agencies. The Administrator of the Division shall prepare and deliver biennial reports to the Governor regarding the progress of the program.

4. The Division may award grants to municipalities, educational institutions and nonprofit organizations for projects that enhance solid waste management systems and promote the efficient use of resources. The Division shall consult a solid waste management authority before awarding a

grant for a project within the jurisdiction of that solid waste management authority.

5. The State Environmental Commission shall adopt regulations governing the administration of grants awarded pursuant to subsection 4.

6. As used in this section, unless the context otherwise requires, "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

*Sec. 3. This act becomes effective on July 1, 2007.*

Senator Raggio moved the adoption of the amendment.

Remarks by Senators Raggio and Coffin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1051.

"SUMMARY—Makes an appropriation to the Legislative Fund for various projects of the Legislature and the Legislative Counsel Bureau. (BDR S-1206)"

"AN ACT making an appropriation to the Legislative Fund for various projects of the Legislature and the Legislative Counsel Bureau; 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 Legislative Fund, created pursuant to NRS 218.085, the sum of ~~[\$6,554,236]~~ \$6,533,978 to be allocated as follows:

|                                                                                                                                |                                             |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| For the cost of reproducing out-of-print publications .....                                                                    | \$50,000                                    |
| For information technology projects .....                                                                                      | <del>[\$1,551,912]</del> <u>\$1,531,654</u> |
| For advance planning for a new staff office building .....                                                                     | \$3,000,000                                 |
| For the replacement of screens in the legislative chambers<br>and miscellaneous construction and maintenance<br>projects ..... | \$1,952,324                                 |

*Sec. 2. The Legislative Counsel Bureau shall solicit bids, as appropriate, for all contracts for construction that are funded in whole or in part by money appropriated by section 1 of this act and shall comply with the provisions of NRS 338.010 to 338.090, inclusive, for all construction work performed under such contracts. All contracts entered into to carry out the provisions of this act must include a provision that prevailing wages must be paid on all work performed under the contracts in compliance with the provisions of NRS 338.010 to 338.090, inclusive. The remaining provisions of chapter 338 of NRS and the provisions of chapter 341 of NRS do not apply to such construction.*

~~[Sec. 2.]~~ Sec. 3. This act becomes effective upon passage and approval.

Senator Raggio moved the adoption of the amendment.

Remarks by Senator Raggio.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 123.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1049.

"SUMMARY—Makes various changes to provisions relating to public records. (BDR 19-462)"

"AN ACT relating to public records; providing that certain records of a nongovernmental entity are public books or records under certain circumstances; requiring a governmental entity to take certain action in response to a written request to inspect or copy a public book or record; making various changes regarding the confidentiality of records; authorizing a person to apply to a district court for an order to allow the person to inspect or copy certain confidential public books or records that have been in the custody of a governmental entity for a certain period; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential or which the governmental entity determines pursuant to a balancing test must not be disclosed, must be open at all times during office hours for inspection and copying. (NRS 239.010; *Donrey v. Bradshaw*, 106 Nev. 630 (1990))

Section 4 of this bill provides that if a governmental entity receives a written request to inspect or copy a public book or record, the governmental entity must, within 5 business days after the date on which the person who has legal custody or control of the book or record has received the request: (1) allow the requester to inspect or copy the public book or record; (2) if the governmental entity does not have legal custody or control of the public book or record, notify the requester of that fact and where, if known, the public book or record is located; (3) if the governmental entity cannot make the public book or record available within 5 business days, notify the requester of the date and time when the book or record will be available; or (4) if the public book or record is confidential, notify the requester of that fact in writing, including a citation to the legal authority that makes the book or record confidential.

With the exception of ~~[public books or records pertaining to applicants for gaming licenses,]~~ certain information contained in records of the State Gaming Control Board and the Nevada Gaming Commission, section 6 of

this bill provides that, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, once a public book or record has been in the legal custody or control of one or more governmental entities for a period of at least 30 years, a person may apply to the appropriate district court for an order allowing him to inspect or copy the public book or record. If the public book or record pertains to a natural person, a person may not apply for such a court order until 30 years after the book or record has been in the legal custody or control of a governmental entity or the death of the person to whom the book or record pertains, whichever is later. Section 218 of this bill clarifies that a person may apply for such an order on or after October 1, 2007, the effective date of the bill, to inspect or copy public books or records that already meet the conditions set forth in section 6.

Section 5 of this bill provides that in any judicial or administrative proceeding in which the confidentiality of a public book or record is at issue and the governmental entity that has legal custody or control of the public book or record asserts that the public book or record is confidential, the governmental entity has the burden of proving such confidentiality.

Sections 3 and 7 of this bill provide that although a nongovernmental entity which performs certain functions for or on behalf of a governmental entity is considered a governmental entity for the purposes of Nevada's public records law (chapter 239 of NRS), the records of a nongovernmental entity that are directly related to the administration, management or regulation of an activity, program, institution or facility for or on behalf of a governmental entity are public records that must be open for inspection and copying. Section 3 specifically excludes financial or other proprietary records of a nongovernmental entity from this requirement.

Section 8 of this bill provides that a governmental entity shall not deny a request to inspect or copy a public book or record because the public book or record contains information that is confidential if the governmental entity can redact the confidential information.

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The Legislature hereby finds and declares that:*

1. *The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law;*

2. *The provisions of this chapter must be construed liberally to carry out this important purpose; and*

3. *Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly.*

Sec. 3. 1. *Except as otherwise provided in subsection 2, records of a nongovernmental entity that are directly related to the administration, management or regulation of an activity, program, institution or facility by the nongovernmental entity for or on behalf of a governmental entity are public records that must be open for inspection and copying.*

2. *This section does not apply to the financial or other proprietary records of the nongovernmental entity.*

Sec. 4. 1. *Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written request from a person to inspect or copy the public book or record, a governmental entity shall do one of the following, as applicable:*

(a) *Allow the person to inspect or copy the public book or record.*

(b) *If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:*

(1) *Notice of that fact; and*

(2) *The name and address of the governmental entity that has legal custody or control of the public book or record, if known.*

(c) *Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request, provide to the person, in writing:*

(1) *Notice of that fact; and*

(2) *A date and time after which the public book or record will be available for the person to inspect or copy. If the public book or record is not available to the person to inspect or copy by that date and time, the person may inquire regarding the status of the request.*

(d) *If the governmental entity must deny the person's request to inspect or copy the public book or record because the public book or record, or a part thereof, is confidential, provide to the person, in writing:*

(1) *Notice of that fact; and*

(2) *A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.*

2. *The provisions of this section must not be construed to prohibit an oral request to inspect or copy a public book or record.*

Sec. 5. *Except as otherwise provided in section 6 of this act, if:*

1. *The confidentiality of a public book or record, or a part thereof, is at issue in a judicial or administrative proceeding; and*

2. *The governmental entity that has legal custody or control of the public book or record asserts that the public book or record, or a part thereof, is confidential,*

➡ *the governmental entity has the burden of proving by a preponderance of the evidence that the public book or record, or a part thereof, is confidential.*

Sec. 6. 1. *Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, if a public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has legal custody or control of the public book or record is located for an order directing that governmental entity to allow the person to inspect or copy the public book or record, or a part thereof. If the public book or record pertains to a natural person, a person may not apply for an order pursuant to this subsection until the public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.*

2. *There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public book or record, or a part thereof, that he seeks to inspect or copy.*

3. *The provisions of subsection 1 do not apply to any ~~public~~ book or record ~~pertaining to an applicant that has been~~ declared confidential pursuant to subsection 4 of NRS 463.120. ~~As used in this subsection, "applicant" has the meaning ascribed to it in NRS 463.0135.~~*

Sec. 7. NRS 239.005 is hereby amended to read as follows:

239.005 As used in this chapter, unless the context otherwise requires:

1. "Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

2. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

3. "Division" means the Division of State Library and Archives of the Department of Cultural Affairs.

4. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405; [or]

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools ~~[-]~~; or

(e) *Any other person or nongovernmental entity that administers, manages or regulates an activity, program, institution or facility for or on behalf of a governmental entity described in paragraphs (a) to (d), inclusive, of this subsection.*

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. ~~{AII}~~ *Except as otherwise provided in subsection 2, all public books and public records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.*

2. *A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.*

3. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

~~{3-}~~ 4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has *legal custody or control* of a public record shall not refuse to provide a copy of that public record in a readily available medium because he has already prepared or would prefer to provide the copy in a different medium.

Sec. 9. NRS 239.0105 is hereby amended to read as follows:

239.0105 1. Records of a local governmental entity are confidential and not public books or records within the meaning of NRS 239.010 if:

(a) The records contain the name, address, telephone number or other identifying information of a natural person; and

(b) The natural person whose name, address, telephone number or other identifying information is contained in the records provided such information to the local governmental entity for the purpose of:

(1) Registering with or applying to the local governmental entity for the use of any recreational facility or portion thereof that the local governmental entity offers for use through the acceptance of reservations; or

(2) On his own behalf or on behalf of a minor child, registering or enrolling with or applying to the local governmental entity for participation in an instructional or recreational activity or event conducted, operated or sponsored by the local governmental entity.

2. The records described in subsection 1 must be disclosed by a local governmental entity only pursuant to:



(a) A subpoena or court order, lawfully issued, requiring the disclosure of such records;

(b) An affidavit of an attorney setting forth that the disclosure of such records is relevant to an investigation in anticipation of litigation; ~~or~~

(c) A request by a reporter or editorial employee for the disclosure of such records, if the reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station ~~or~~; *or*

(d) *The provisions of section 6 of this act.*

3. Except as otherwise provided by specific statute or federal law, a natural person shall not provide, and a local governmental entity shall not require, the social security number of any natural person for the purposes described in subparagraphs (1) and (2) of paragraph (b) of subsection 1.

4. As used in this section, unless the context otherwise requires, "local governmental entity" has the meaning ascribed to it in NRS 239.121.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 239C.140 is hereby amended to read as follows:

239C.140 1. Except as otherwise provided in subsections 2 and 3, the Commission shall comply with the provisions of chapter 241 of NRS and all meetings of the Commission must be conducted in accordance with that chapter.

2. The Commission may hold a closed meeting to:

(a) Receive security briefings;

(b) Discuss procedures for responding to acts of terrorism and related emergencies; or

(c) Discuss deficiencies in security with respect to public services, public facilities and infrastructure,

↪ if the Commission determines, upon a majority vote of its members, that the public disclosure of such matters would be likely to compromise, jeopardize or otherwise threaten the safety of the public.

3. ~~All~~ *Except as otherwise provided in section 6 of this act, all* information and materials received or prepared by the Commission during a meeting closed pursuant to subsection 2 and all minutes and audiovisual or electronic reproductions of such a meeting are confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

Sec. 12. NRS 239C.250 is hereby amended to read as follows:

239C.250 1. Each political subdivision shall adopt and maintain a response plan. Each new or revised plan must be filed within 10 days after adoption or revision with:

(a) The Division; and

(b) Each response agency that provides services to the political subdivision.

2. The response plan required by subsection 1 must include:

(a) A drawing or map of the layout and boundaries of the political subdivision;

(b) A drawing or description of the streets and highways within, and leading into and out of, the political subdivision, including any approved routes for evacuation;

(c) The location and inventory of emergency response equipment and resources within the political subdivision;

(d) The location of any unusually hazardous substances within the political subdivision;

(e) A telephone number that may be used by residents of the political subdivision to receive information and to make reports with respect to an act of terrorism or related emergency;

(f) The location of one or more emergency response command posts that are located within the political subdivision;

(g) A depiction of the location of each police station, sheriff's office and fire station that is located within the political subdivision;

(h) Plans for the continuity of the operations and services of the political subdivision, which plans must be consistent with the provisions of NRS 239C.260; and

(i) Any other information that the Commission may determine to be relevant.

3. ~~[A]~~ *Except as otherwise provided in section 6 of this act, a plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the entities with whom it is filed pursuant to subsection 1. An officer, employee or other person to whom the plan is entrusted by the entity with whom it is filed shall not disclose the contents of such a plan except:*

(a) Upon the lawful order of a court of competent jurisdiction; ~~[or]~~

(b) As is reasonably necessary in the case of an act of terrorism or related emergency ~~[ ]~~; or

(c) *Pursuant to the provisions of section 6 of this act.*

Sec. 13. NRS 239C.270 is hereby amended to read as follows:

239C.270 1. Each utility shall:

(a) Conduct a vulnerability assessment in accordance with the requirements of the federal and regional agencies that regulate the utility; and

(b) Prepare and maintain an emergency response plan in accordance with the requirements of the federal and regional agencies that regulate the utility.

2. Each utility shall:

(a) As soon as practicable but not later than December 31, 2003, submit its vulnerability assessment and emergency response plan to the Division; and

(b) At least once each year thereafter, review its vulnerability assessment and emergency response plan and, as soon as practicable after its review is completed but not later than December 31 of each year, submit the results of its review and any additions or modifications to its emergency response plan to the Division.

3. ~~[Each]~~ *Except as otherwise provided in section 6 of this act, each vulnerability assessment and emergency response plan of a utility and any*

other information concerning a utility that is necessary to carry out the provisions of this section is confidential and must be securely maintained by each person or entity that has possession, custody or control of the information.

4. A person shall not disclose such information, except:

- (a) Upon the lawful order of a court of competent jurisdiction;
- (b) As is reasonably necessary to carry out the provisions of this section or the operations of the utility, as determined by the Division; ~~for~~
- (c) As is reasonably necessary in the case of an emergency involving public health or safety, as determined by the Division ~~for~~; or
- (d) Pursuant to the provisions of section 6 of this act.

5. If a person knowingly and unlawfully discloses such information or assists, solicits or conspires with another person to disclose such information, the person is guilty of:

- (a) A gross misdemeanor; or
- (b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

Sec. 14. NRS 240.007 is hereby amended to read as follows:

240.007 1. Except as otherwise provided in subsection 2, information and documents filed with or obtained by the Secretary of State pursuant to NRS 240.001 to 240.169, inclusive, are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 ~~for~~ and in section 6 of this act, information and documents obtained by or filed with the Secretary of State in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, are not public information and are confidential.

3. The Secretary of State may submit any information or evidence obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, to the appropriate district attorney for the purpose of prosecuting a criminal action.

4. The Secretary of State may disclose any information or documents obtained in connection with an investigation concerning a possible violation of the provisions of NRS 240.001 to 240.169, inclusive, to an agency of this State or a political subdivision of this State.

Sec. 15. NRS 1.4683 is hereby amended to read as follows:

1.4683 1. Except as otherwise provided in this section and NRS 1.4693 ~~for~~ and section 6 of this act, all proceedings of the Commission must remain confidential until the Commission makes a determination pursuant to NRS 1.467 and the prosecuting attorney files a formal statement of charges.

2. The confidentiality required pursuant to subsection 1 also applies to all information and materials, written or oral, received or developed by the Commission or its staff in the course of its work and relating to the alleged misconduct or incapacity of a judge.

3. The Commission shall disclose:

(a) The report of a proceeding before the Commission; and

(b) All testimony given and all materials filed in connection with such a proceeding,

→ if a witness is prosecuted for perjury committed during the course of that proceeding.

4. If the Commission determines at any stage in a disciplinary proceeding that there is an insufficient factual or legal basis to proceed, the Commission shall dismiss the complaint and may, at the request of the justice or judge named in the complaint, publicly issue an explanatory statement.

5. The Commission may issue press releases and other public statements to:

(a) Explain the nature of its jurisdiction;

(b) Explain the procedure for filing a complaint;

(c) Explain limitations upon its powers and authority; and

(d) Report on the conduct of its affairs.

→ Such releases and statements must not, without the consent of the justice or judge concerned, disclose by name, position, address or other information the identity of a justice or judge or other person involved in a proceeding then pending before the Commission or that has been resolved without an order of censure, removal or retirement, unless formal charges have been filed after a determination pursuant to NRS 1.467.

6. The Commission may, without disclosing the name of or any details that may identify the justice or judge involved, disclose the existence of a proceeding before it to the State Board of Examiners and the Interim Finance Committee to obtain additional money for its operation from the Contingency Fund established pursuant to NRS 353.266.

7. No record of any medical examination, psychiatric evaluation or other comparable professional record made for use in an informal resolution pursuant to subsection 1 of NRS 1.4665 may be made public at any time without the consent of the justice or judge concerned.

Sec. 16. NRS 62D.440 is hereby amended to read as follows:

62D.440 1. The prosecuting attorney shall disclose to the victim of an act committed by a child the disposition of the child's case regarding that act if:

(a) The victim requests such a disclosure; or

(b) If the victim is less than 18 years of age, the parent or guardian of the victim requests such a disclosure.

2. ~~[A]~~ Except as otherwise provided in section 6 of this act, all personal information pertaining to the victim or the parent or guardian of the victim, including, but not limited to, a current or former address, which is obtained

by the prosecuting attorney pursuant to this section, is confidential and must not be used for a purpose other than that provided for in this section.

Sec. 17. NRS 62E.620 is hereby amended to read as follows:

62E.620 1. The juvenile court shall order a delinquent child to undergo an evaluation to determine whether the child is an abuser of alcohol or other drugs if the child committed:

- (a) An unlawful act in violation of NRS 484.379, 484.3795 or 484.37955;
- (b) The unlawful act of using, possessing, selling or distributing a controlled substance; or
- (c) The unlawful act of purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020.

2. Except as otherwise provided in subsection 3, an evaluation of the child must be conducted by:

- (a) An alcohol and drug abuse counselor who is licensed or certified or an alcohol and drug abuse counselor intern who is certified pursuant to chapter 641C of NRS to make that classification; or
- (b) A physician who is certified to make that classification by the Board of Medical Examiners.

3. If the child resides in this State but the nearest location at which an evaluation may be conducted is in another state, the court may allow the evaluation to be conducted in the other state if the person conducting the evaluation:

- (a) Possesses qualifications that are substantially similar to the qualifications described in subsection 2;
- (b) Holds an appropriate license, certificate or credential issued by a regulatory agency in the other state; and
- (c) Is in good standing with the regulatory agency in the other state.

4. The evaluation of the child may be conducted at an evaluation center.

5. The person who conducts the evaluation of the child shall report to the juvenile court the results of the evaluation and make a recommendation to the juvenile court concerning the length and type of treatment required for the child.

6. The juvenile court shall:

(a) Order the child to undergo a program of treatment as recommended by the person who conducts the evaluation of the child.

(b) Require the treatment facility to submit monthly reports on the treatment of the child pursuant to this section.

(c) Order the child or the parent or guardian of the child, or both, to the extent of their financial ability, to pay any charges relating to the evaluation and treatment of the child pursuant to this section. If the child or the parent or guardian of the child, or both, do not have the financial resources to pay all those charges:

(1) The juvenile court shall, to the extent possible, arrange for the child to receive treatment from a treatment facility which receives a sufficient amount of federal or state money to offset the remainder of the costs; and

(2) The juvenile court may order the child, in lieu of paying the charges relating to his evaluation and treatment, to perform community service.

7. After a treatment facility has certified a child's successful completion of a program of treatment ordered pursuant to this section, the treatment facility is not liable for any damages to person or property caused by a child 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 a law of any other jurisdiction that prohibits the same or similar conduct.

8. The provisions of this section do not prohibit the juvenile court from:

(a) Requiring an evaluation to be conducted by a person who is employed by a private company if the company meets the standards of the Health Division of the Department of Health and Human Services. The evaluation may be conducted at an evaluation center.

(b) Ordering the child to attend a program of treatment which is administered by a private company.

9. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all information relating to the evaluation or treatment of a child pursuant to this section is confidential and, except as otherwise authorized by the provisions of this title or the juvenile court, must not be disclosed to any person other than:*

(a) The juvenile court;  
(b) The child;  
(c) The attorney for the child, if any;  
(d) The parents or guardian of the child;  
(e) The district attorney; and  
(f) Any other person for whom the communication of that information is necessary to effectuate the evaluation or treatment of the child.

10. A record of any finding that a child has violated the provisions of NRS 484.379, 484.3795 or 484.37955 must be included in the driver's record of that child for 7 years after the date of the offense.

Sec. 18. NRS 62H.220 is hereby amended to read as follows:

62H.220 1. For each child adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the Division of Child and Family Services shall collect from the juvenile courts, local juvenile probation departments and the staff of the youth correctional services, as directed by the Department of Health and Human Services:

(a) The information listed in NRS 62H.210;  
(b) The name of the child; and  
(c) All information concerning programs of treatment in which the child participated that:

(1) Were directly related to the delinquent act committed by the child;  
or

(2) Were designed or utilized to prevent the commission of another such act by the child in the future.

2. The Division of Child and Family Services shall provide the information collected pursuant to subsection 1 to the Central Repository for use in the program established pursuant to NRS 179A.270, 179A.280 and 179A.290.

3. ~~4.~~ *Except as otherwise provided in section 6 of this act, all information containing the name of the child and all information relating to programs of treatment in which the child participated is confidential and must not be used for a purpose other than that provided for in this section and NRS 179A.290.*

4. As used in this section, "sexual offense" means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Statutory sexual seduction pursuant to NRS 200.368;
- (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (d) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
- (e) Incest pursuant to NRS 201.180;
- (f) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195;
- (g) Open or gross lewdness pursuant to NRS 201.210;
- (h) Indecent or obscene exposure pursuant to NRS 201.220;
- (i) Lewdness with a child pursuant to NRS 201.230;
- (j) Sexual penetration of a dead human body pursuant to NRS 201.450;
- (k) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony;
- (l) Annoyance or molestation of a minor pursuant to NRS 207.260;
- (m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive;
- (n) An offense that is determined to be sexually motivated pursuant to NRS 175.547; or
- (o) An offense committed in another jurisdiction that, if committed in this State, would have been an offense listed in this subsection.

Sec. 19. NRS 90.730 is hereby amended to read as follows:

90.730 1. Except as otherwise provided in subsection 2, information and records filed with or obtained by the Administrator are public information and are available for public examination.

2. Except as otherwise provided in subsections 3 and 4 ~~and~~ *and section 6 of this act*, the following information and records do not constitute public information under subsection 1 and are confidential:

(a) Information or records obtained by the Administrator in connection with an investigation concerning possible violations of this chapter; and

(b) Information or records filed with the Administrator in connection with a registration statement filed under this chapter or a report under NRS 90.390 which constitute trade secrets or commercial or financial information of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

3. The Administrator may submit any information or evidence obtained in connection with an investigation to the:

(a) Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action under this chapter; and

(b) Department of Taxation for its use in carrying out the provisions of chapter 363A of NRS.

4. The Administrator may disclose any information obtained in connection with an investigation pursuant to NRS 90.620 to the agencies and administrators specified in subsection 1 of NRS 90.740 but only if disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding, and the receiving agency or administrator represents in writing that under applicable law protections exist to preserve the integrity, confidentiality and security of the information.

5. This chapter does not create any privilege or diminish any privilege existing at common law, by statute, regulation or otherwise.

Sec. 20. NRS 91.160 is hereby amended to read as follows:

91.160 1. This chapter must be administered by the Administrator of the Securities Division of the Office of the Secretary of State.

2. It is unlawful for the Administrator or any employee of the Administrator to use for personal benefit any information which is filed with or obtained by the Administrator and which is not made public. It is unlawful for the Administrator or any employee of the Administrator to conduct any dealings regarding a security or commodity based upon any such information, even though made public, if there has not been a sufficient period of time for the securities or commodity markets to assimilate such information.

3. Except as otherwise provided in subsection 4, all information and materials collected, assembled or maintained by the Administrator are public records.

4. ~~{The}~~ *Except as otherwise provided in section 6 of this act, the following information is confidential:*

(a) Information obtained in private investigations pursuant to NRS 91.300; and

(b) Information obtained from federal agencies which may not be disclosed under federal law.

5. The Administrator in his discretion may disclose any information made confidential under subsection 4 to persons identified in subsection 1 of NRS 91.170.

6. No provision of this chapter either creates or derogates any privilege which exists at common law, by statute or otherwise when any record or



other evidence is sought under subpoena directed to the Administrator or any employee of the Administrator.

Sec. 21. NRS 116.757 is hereby amended to read as follows:

116.757 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential.

2. A formal complaint filed with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, are public records.

Sec. 22. NRS 116A.270 is hereby amended to read as follows:

116A.270 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Division alleging a violation of this chapter or chapter 116 of NRS, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other charging documents filed with the Commission to initiate disciplinary action and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline are public records.

Sec. 23. NRS 118B.026 is hereby amended to read as follows:

118B.026 1. The Administrator may, upon receiving a complaint alleging a violation of this chapter or any regulation adopted pursuant thereto, investigate the alleged violation. The Administrator or his representative shall, upon request, furnish identification during an investigation. ~~Any~~ *Except as otherwise provided in section 6 of this act*, any information obtained by the Administrator or his representative in the investigation of a complaint, including the name of the complainant, is confidential and must not be disclosed unless so ordered by the Administrator or a court of competent jurisdiction.

2. If the Administrator finds a violation of the provisions of this chapter or of any regulation adopted pursuant thereto, he may issue a notice of violation to the person who he alleges has violated the provision. The notice of violation must set forth the violation which the Administrator alleges with particularity and specify the corrective action which is to be taken and the time within which the action must be taken.

3. If the person to whom a notice of violation is directed fails to take the corrective action required, the Administrator may:

(a) Extend the time for corrective action;

(b) Request the district attorney of the county in which the violation is alleged to have occurred to prepare a complaint and procure the issuance of a summons to the person for the violation; or

(c) Apply to the district court for the judicial district in which the violation is alleged to have occurred for an injunction and any other relief which the court may grant to compel compliance. In an action brought pursuant to this section, the court may award costs and reasonable attorney's fees to the prevailing party.

➡ The Administrator may, in addition to or in lieu of any action authorized by paragraph (a), (b) or (c), impose a fine pursuant to NRS 118B.251.

4. Any person who violates a provision of this chapter, or a regulation adopted pursuant thereto, shall pay for the cost incurred by the division in enforcing the provision.

Sec. 24. NRS 119.260 is hereby amended to read as follows:

119.260 1. The Administrator may issue orders directing persons to desist and refrain from engaging in activities for which they are not licensed under this chapter or conducting activities in a manner not in compliance with the provisions of this chapter.

2. A person who has violated any of the provisions of this chapter shall not engage in any activity for which a license issued pursuant to this chapter is required after receiving an order in writing from the Administrator directing him to desist and refrain from so doing.

3. Within 30 days after the receipt of such an order, the person may file a verified petition with the Administrator for a hearing.

4. The Administrator shall hold a hearing within 30 days after the petition has been filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the cease and desist order is rescinded.

5. If the decision of the Administrator after a hearing is against the person ordered to cease and desist, he may appeal that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which he conducted the activity. The burden of proof in the appeal is on the appellant. The court shall consider the decision of the Administrator for which the appeal is taken and is limited solely to a consideration and determination of the question of whether there has been an abuse of discretion on the part of the Administrator in making the decision.

6. In lieu of issuing an order to cease and desist, if the developer is conducting activities in a manner not in compliance with the provisions of this chapter, the Administrator may enter into an agreement with the developer in which the developer agrees to:

(a) Discontinue the activities that are not in compliance with this chapter;

(b) Pay all costs incurred by the Division in investigating the developer's activities and conducting any necessary hearing; and

(c) Return to the purchasers any money or property which he acquired through such activities.

↪ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the terms of such an agreement are confidential unless violated by the developer.*

Sec. 25. NRS 119A.280 is hereby amended to read as follows:

119A.280 1. The Administrator may issue an order directing a developer to cease engaging in activities for which the developer has not received a permit under this chapter or conducting activities in a manner not in compliance with the provisions of this chapter or the regulations adopted pursuant thereto.

2. The order to cease must be in writing and must state that, in the opinion of the Administrator, the developer has not been issued a permit for the activity or the terms of the permit do not allow the developer to conduct the activity in that manner. The developer shall not engage in any activity regulated by this chapter after he receives such an order.

3. Within 30 days after receiving such an order, a developer may file a verified petition with the Administrator for a hearing. The Administrator shall hold a hearing within 30 days after the petition has been filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the cease and desist order is rescinded.

4. If the decision of the Administrator after a hearing is against the person ordered to cease and desist, he may appeal that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which he conducted the activity. The burden of proof in the appeal is on the appellant. The court shall consider the decision of the Administrator for which the appeal is taken and is limited solely to a consideration and determination of the question of whether there has been an abuse of discretion on the part of the Administrator in making the decision.

5. In lieu of the issuance of an order to cease such activities, the Administrator may enter into an agreement with the developer in which the developer agrees to:

- (a) Discontinue the activities that are not in compliance with this chapter;
- (b) Pay all costs incurred by the Division in investigating the developer's activities and conducting any necessary hearings; and
- (c) Return to the purchasers any money or property which he acquired through such violations.

↪ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the terms of such an agreement are confidential unless violated by the developer.*

Sec. 26. NRS 119B.370 is hereby amended to read as follows:

119B.370 1. The Administrator may issue an order directing a developer to cease engaging in activities for which the developer has not received a permit under this chapter or conducting activities in a manner not in compliance with the terms of his permit.

2. The order to cease must be in writing and must state that, in the opinion of the Administrator, the developer has not been issued a permit for the activity or the terms of the permit do not allow the developer to conduct the activity in that manner. The developer shall not engage in any activity regulated by this chapter after he receives such an order.

3. Within 30 days after receiving such an order, a developer may file a verified petition with the Administrator for a hearing. The Administrator shall hold a hearing within 30 days after the petition is filed. If the Administrator fails to hold a hearing within 30 days, or does not render a written decision within 45 days after the final hearing, the order to cease is rescinded.

4. If the decision of the Administrator after a hearing is against the person ordered to cease, he may obtain judicial review from that decision by filing, within 30 days after the date on which the decision was issued, a petition in the district court for the county in which he conducted the activity. The burden of proof is on the petitioner. The court shall consider the decision of the Administrator which is being reviewed and shall consider and determine solely whether there has been an abuse of discretion on the part of the Administrator in making the decision.

5. In lieu of the issuance of an order to cease such activities, the Administrator may enter into an agreement with the developer in which the developer agrees to:

- (a) Discontinue the activities that are not in compliance with this chapter;
- (b) Pay all costs incurred by the administrator in investigating the developer's activities and conducting any necessary hearings; and
- (c) Return to the purchasers any money or property which he acquired through such violations.

↪ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the terms of such an agreement are confidential unless violated by the developer.*

Sec. 27. NRS 126.061 is hereby amended to read as follows:

126.061 1. If, under the supervision of a licensed physician and with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband is treated in law as if he were the natural father of a child thereby conceived. The husband's consent must be in writing and signed by him and his wife. The physician shall certify their signatures and the date of the insemination, and file the husband's consent with the Health Division of the Department of Health and Human Services, where, *except as otherwise provided in section 6 of this act*, it must be kept confidential and in a sealed file. The physician's failure to do so does not affect the father and child relationship. All papers and records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, are subject to inspection only upon an order of the court for good cause shown.

2. The donor of semen provided to a licensed physician for use in artificial insemination of a married woman other than the donor's wife is

treated in law as if he were not the natural father of a child thereby conceived.

Sec. 28. NRS 127.057 is hereby amended to read as follows:

127.057 1. Any person to whom a consent to adoption executed in this State or executed outside this State for use in this State is delivered shall, within 48 hours after receipt of the executed consent to adoption, furnish a true copy of the consent, together with a report of the permanent address of the person in whose favor the consent was executed to the agency which provides child welfare services.

2. Any person recommending in his professional or occupational capacity, the placement of a child for adoption in this State shall immediately notify the agency which provides child welfare services of the impending adoption.

3. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* information received by the agency which provides child welfare services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

4. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 29. NRS 127.140 is hereby amended to read as follows:

127.140 1. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* hearings held in proceedings under this chapter are confidential and must be held in closed court, without admittance of any person other than the petitioners, their witnesses, the director of an agency, or their authorized representatives, attorneys and persons entitled to notice by this chapter, except by order of the court.

2. The files and records of the court in adoption proceedings are not open to inspection by any person except:

(a) Upon an order of the court expressly so permitting pursuant to a petition setting forth the reasons therefor;

(b) If a natural parent and the child are eligible to receive information from the State Register for Adoptions; or

(c) As provided pursuant to subsections 3, 4 and 5.

3. An adoptive parent who intends to file a petition pursuant to NRS 127.1885 or 127.1895 to enforce, modify or terminate an agreement that provides for postadoptive contact may inspect only the portions of the files and records of the court concerning the agreement for postadoptive contact.

4. A natural parent who intends to file a petition pursuant to NRS 127.1885 to prove the existence of or to enforce an agreement that provides for postadoptive contact or to file an action pursuant to NRS 41.509 may inspect only the portions of the files or records of the court concerning the agreement for postadoptive contact.

5. The portions of the files and records which are made available for inspection by an adoptive parent or natural parent pursuant to subsection 3 or 4 must not include any confidential information, including, without limitation, any information that identifies or would lead to the identification of a natural parent if the identity of the natural parent is not included in the agreement for postadoptive contact.

Sec. 30. NRS 127.2817 is hereby amended to read as follows:

127.2817 1. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations setting forth the criteria to be used by an agency which provides child welfare services or a child-placing agency for determining whether a prospective adoptive home is suitable or unsuitable for the placement of a child for adoption.

2. Upon the completion of an investigation conducted by an agency which provides child welfare services or a child-placing agency pursuant to NRS 127.120 or 127.2805, the agency which provides child welfare services or child-placing agency shall inform the prospective adoptive parent or parents of the results of the investigation. If, pursuant to the investigation, a determination is made that a prospective adoptive home is unsuitable for placement or detrimental to the interest of the child, the agency which provides child welfare services or child-placing agency shall provide the prospective adoptive parent or parents with an opportunity to review and respond to the investigation with the agency which provides child welfare services or child-placing agency before the issuance of the results of the investigation. ~~{The}~~ *Except as otherwise provided in section 6 of this act, the identity of those persons who are interviewed or submit information concerning the investigation must remain confidential.*

Sec. 31. NRS 159.044 is hereby amended to read as follows:

159.044 1. Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any interested person may petition the court for the appointment of a guardian.

2. To the extent the petitioner knows or reasonably may ascertain or obtain, the petition must include, without limitation:

(a) The name and address of the petitioner.  
(b) The name, date of birth and current address of the proposed ward.  
(c) A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise *provided in section 6 of this act or as otherwise* required to carry out a specific statute, maintained in a confidential manner:

- (1) A social security number;
- (2) A taxpayer identification number;
- (3) A valid driver's license number;
- (4) A valid identification card number; or
- (5) A valid passport number.

➡ If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 60 days after the appointment of a guardian or as otherwise ordered by the court.

(d) If the proposed ward is a minor, the date on which he will attain the age of majority and:

(1) Whether there is a current order concerning custody and, if so, the state in which the order was issued; and

(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.

(e) Whether the proposed ward is a resident or nonresident of this State.

(f) The names and addresses of the spouse of the proposed ward and the relatives of the proposed ward who are within the second degree of consanguinity.

(g) The name, date of birth and current address of the proposed guardian. If the proposed guardian is a private professional guardian, the petition must include proof that the guardian meets the requirements of NRS 159.0595. If the proposed guardian is not a private professional guardian, the petition must include a statement that the guardian currently is not receiving compensation for services as a guardian to more than one ward who is not related to the person by blood or marriage.

(h) A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise *provided in section 6 of this act or as otherwise* required to carry out a specific statute, maintained in a confidential manner:

(1) A social security number;

(2) A taxpayer identification number;

(3) A valid driver's license number;

(4) A valid identification card number; or

(5) A valid passport number.

(i) Whether the proposed guardian has ever been convicted of a felony and, if so, information concerning the crime for which he was convicted and whether the proposed guardian was placed on probation or parole.

(j) A summary of the reasons why a guardian is needed and recent documentation demonstrating the need for a guardianship. The documentation may include, without limitation:

(1) A certificate signed by a physician who is licensed to practice medicine in this State stating the need for a guardian;

(2) A letter signed by any governmental agency in this State which conducts investigations stating the need for a guardian; or

(3) A certificate signed by any other person whom the court finds qualified to execute a certificate stating the need for a guardian.

(k) Whether the appointment of a general or a special guardian is sought.

(l) A general description and the probable value of the property of the proposed ward and any income to which the proposed ward is or will be entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

(m) The name and address of any person or care provider having the care, custody or control of the proposed ward.

(n) The relationship, if any, of the petitioner to the proposed ward and the interest, if any, of the petitioner in the appointment.

(o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

(p) Whether the guardianship is sought as the result of an investigation of a report of abuse or neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare services. As used in this paragraph, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(q) Whether the proposed ward is a party to any pending criminal or civil litigation.

(r) Whether the guardianship is sought for the purpose of initiating litigation.

(s) Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.

Sec. 32. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to NRS 176.135 and the recommendations of the Division.

(b) Any general investigation made pursuant to NRS 176.151.

➡ The Division shall afford an opportunity to each party to object to factual errors in any such report and to comment on any recommendations.

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for the limited purpose of



performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

- (a) A sex offender as defined in NRS 213.107; or
- (b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the State Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, *and except as otherwise provided in section 6 of this act*, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Sec. 33. NRS 176A.630 is hereby amended to read as follows:

176A.630 If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of his probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning him to the court for violation of his probation. The court may:

- 1. Continue or revoke the probation or suspension of sentence;
- 2. Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
- 3. Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;
- 4. Cause the sentence imposed to be executed; or
- 5. Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, he shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided his current address to the Division. The notice must inform the victim that he has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of his probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed

until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this subsection. The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this subsection is confidential.*

Sec. 34. NRS 178.5691 is hereby amended to read as follows:

178.5691 ~~[All]~~ *Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim, relative, witness or other person and which is received pursuant to the provisions of NRS 178.569 to 178.5698, inclusive, is confidential.*

Sec. 35. NRS 179.495 is hereby amended to read as follows:

179.495 1. Within a reasonable time but not later than 90 days after the termination of the period of an order or any extension thereof, the judge who issued the order shall cause to be served on the chief of the Investigation Division of the Department of Public Safety, persons named in the order and any other parties to intercepted communications, an inventory which must include notice of:

(a) The fact of the entry and a copy of the order.

(b) The fact that during the period wire or oral communications were or were not intercepted.

↪ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the inventory filed pursuant to this section is confidential and must not be released for inspection unless subpoenaed by a court of competent jurisdiction.*

2. The judge, upon receipt of a written request from any person who was a party to an intercepted communication or from the person's attorney, shall make available to the person or his counsel those portions of the intercepted communications which contain his conversation. On an ex parte showing of good cause to a district judge, the serving of the inventory required by this section may be postponed for such time as the judge may provide.

Sec. 36. NRS 179A.290 is hereby amended to read as follows:

179A.290 1. The Director of the Department shall establish within the Central Repository a program to compile and analyze data concerning offenders who commit sexual offenses. The program must be designed to:

(a) Provide statistical data relating to the recidivism of offenders who commit sexual offenses; and

(b) Use the data provided by the Division of Child and Family Services of the Department of Health and Human Services pursuant to NRS 62H.220 to:

(1) Provide statistical data relating to the recidivism of juvenile sex offenders after they become adults; and

(2) Assess the effectiveness of programs for the treatment of juvenile sex offenders.

2. The Division of Parole and Probation and the Department of Corrections shall assist the Director of the Department in obtaining data and in carrying out the program.

3. The Director of the Department shall report the statistical data and findings from the program to:

- (a) The Legislature at the beginning of each regular session.
- (b) The Advisory Commission on Sentencing on or before January 31 of each even-numbered year.

4. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of a juvenile sex offender or the identity of an individual victim of a crime.*

Sec. 37. NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section ~~[;]~~ *and section 6 of this act, any information which is contained in:*

- (a) Court records, including testimony from witnesses;
- (b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;
- (c) Records of criminal history, as that term is defined in NRS 179A.070; and
- (d) Records in the Central Repository for Nevada Records of Criminal History,

↪ *that reveals the identity of a victim of sexual assault is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.*

2. A defendant charged with a sexual assault and his attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and his attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

- (a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;
- (b) The disclosure will not place the victim at risk of personal harm; and
- (c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

- (a) Any publication or broadcast by the media concerning a sexual assault.
- (b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 38. NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual assault may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual assault, including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the offense. The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

➔ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual assault.

5. ~~{The}~~ *Except as otherwise provided in section 6 of this act, the information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or his attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or his attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.*

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual assault or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim of sexual assault pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

Sec. 39. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. ~~[Reports]~~ *Except as otherwise provided in section 6 of this act, reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.*

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

- (a) Pursuant to a criminal prosecution;
- (b) Pursuant to NRS 200.50982; or
- (c) To persons or agencies enumerated in subsection 3,

↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982 ~~§~~ *and section 6 of this act*, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but , *except as otherwise provided in section 6 of this act*, the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, information contained in the report must be submitted to the board that issued the license.

Sec. 40. NRS 202.3662 is hereby amended to read as follows:

202.3662 1. Except as otherwise provided in this section and NRS 202.3665 ~~and~~ *and section 6 of this act*:

(a) An application for a permit, and all information contained within that application; and

(b) All information provided to a sheriff or obtained by a sheriff in the course of his investigation of an applicant,

↪ are confidential.

2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.

3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to NRS 202.3653 to 202.369, inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.

Sec. 41. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

↪ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all*

personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the Director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484.379, 484.3795 or 484.37955;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the Director,

↪ is not eligible for assignment to the custody of the Division of Parole and Probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

↪ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 42. NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection 6, the Director may assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his sentence, if:

(a) The Director has reason to believe that the offender is:

(1) Physically incapacitated or in ill health to such a degree that he does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians licensed pursuant to chapter 630 or 633 of NRS, one of whom is not employed by the Department, verify, in writing, that the offender is:

(1) Physically incapacitated or in ill health; or

(2) In ill health and expected to die within 12 months.

2. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) If the offender will reside within this State after he is released from the custody of the Department, the board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.



↪ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.130, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as he considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

↪ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 43. NRS 209.419 is hereby amended to read as follows:

209.419 1. Communications made by an offender on any telephone in an institution or facility to any person outside the institution or facility may be intercepted if:

(a) The interception is made by an authorized employee of the Department; and

(b) Signs are posted near all telephones in the institution or facility indicating that communications may be intercepted.

2. The Director shall provide notice or cause notice to be provided to both parties to a communication which is being intercepted pursuant to subsection 1, indicating that the communication is being intercepted. For the purposes of this section, a periodic sound which is heard by both parties during the communication shall be deemed notice to both parties that the communication is being intercepted.

3. The Director shall adopt regulations providing for an alternate method of communication for those communications by offenders which are confidential.

4. ~~[A]~~ *Except as otherwise provided in section 6 of this act, a communication made by an offender is confidential if it is made to:*

(a) A federal or state officer.

(b) A local governmental officer who is at some time responsible for the custody of the offender.

(c) An officer of any court.

(d) An attorney who has been admitted to practice law in any state or is employed by a recognized agency providing legal assistance.

(e) A reporter or editorial employee of any organization that reports general news including, but not limited to, any wire service or news service, newspaper, periodical, press association or radio or television station.

(f) The Director.

(g) Any other employee of the Department whom the Director may, by regulation, designate.

5. Reliance in good faith on a request or order from the Director or his authorized representative constitutes a complete defense to any action brought against any public utility intercepting or assisting in the interception of communications made by offenders pursuant to subsection 1.

Sec. 44. NRS 209.521 is hereby amended to read as follows:

209.521 1. If a victim of an offender provides his current address to the Director and makes a written request for notification of the offender's release or escape, the Director shall notify the victim if the offender:

(a) Will be released into the community for the purpose of employment, training or education, or for any other purpose for which release is authorized; or

(b) Has escaped from the custody of the Department.

2. An offender must not be temporarily released into the community for any purpose unless notification of the release has been given to every victim of the offender who has requested notification and has provided his current address.

3. The Director may not be held responsible for any injury proximately caused by his failure to give any notice required pursuant to subsection 1 or 2 if no address was provided to the Director or the address provided is inaccurate or not current.

4. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Director pursuant to this section is confidential.*

5. As used in this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 45. NRS 211A.140 is hereby amended to read as follows:

211A.140 1. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any information regarding a probationer obtained by the chief, an assistant or other employee of the department in the discharge of his duties shall be deemed confidential. Except as otherwise provided in subsection 2, the chief, an assistant or other employee of the department shall not disclose such information.*

2. The chief, an assistant or other employee of the department shall disclose information obtained in the discharge of his duties to the court or the district attorney upon request, or to any other person as ordered by the court or as provided by law.

Sec. 46. NRS 213.010 is hereby amended to read as follows:

213.010 1. The State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General.

2. Meetings of the Board for the purpose of considering applications for clemency may be held semiannually or oftener, on such dates as may be fixed by the Board.

3. The Board shall give written notice at least 15 days before a meeting to each victim of the crimes committed by each person whose application for clemency will be considered at the meeting, if the victim so requests in writing and provides his current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. The victim may submit a written response to the Board at any time before the meeting. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this subsection is confidential.*

Sec. 47. NRS 213.040 is hereby amended to read as follows:

213.040 All district attorneys receiving notice of an application for a pardon, or commutation of punishment, or remission of fine or forfeiture, shall transmit forthwith to:

1. The Board a statement in writing of facts surrounding the commission of the offense for which the applicant is incarcerated or subject to penalty and any information affecting the merits of the application.

2. Each victim of the person applying for clemency a copy of the notice of the application, if the victim so requests in writing and provides his current address. If a current address is not provided, the district attorney may not be held responsible if a copy of the notice is not received by the victim. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all personal*

information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the district attorney pursuant to this subsection is confidential.

Sec. 48. NRS 213.095 is hereby amended to read as follows:

213.095 If the Board remits a fine or forfeiture, commutes a sentence or grants a pardon, it shall give written notice of its action to the victim of the person granted clemency, if the victim so requests in writing and provides his current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all* personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

Sec. 49. NRS 213.130 is hereby amended to read as follows:

213.130 1. The Department of Corrections shall:

- (a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;
- (b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole; and
- (c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.

2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings must be open to the public.

4. Not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of his rights pursuant to this subsection, if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the Board. The victim of a

prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.

6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the Board.

7. If a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. ~~[All]~~ *Except as otherwise provided in section 6 of this act, all personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.*

9. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 50. NRS 217.105 is hereby amended to read as follows:

217.105 ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any information which a compensation officer obtains in the investigation of a claim for compensation pursuant to NRS 217.090 or which is submitted pursuant to NRS 217.100 is confidential and must not be disclosed except:*

1. Upon the request of the applicant or his attorney;
  2. In the necessary administration of this chapter; or
  3. Upon the lawful order of a court of competent jurisdiction,
- ↪ unless the disclosure is otherwise prohibited by law.

Sec. 51. NRS 217.110 is hereby amended to read as follows:

217.110 1. Upon receipt of an application for compensation, the compensation officer shall review the application to determine whether the applicant qualifies for compensation. The compensation officer shall deny the claim within 5 days after receipt of the application if the applicant's ineligibility is apparent from the facts stated in the application. The applicant may appeal the denial to a hearing officer within 15 days after the decision. If the hearing officer determines that the applicant may be entitled to compensation, the hearing officer shall order the compensation officer to complete an investigation and render a decision pursuant to subsection 2. If the hearing officer denies the appeal, the applicant may appeal to an appeals officer pursuant to NRS 217.117.

2. If the compensation officer does not deny the application pursuant to subsection 1, or if he is ordered to proceed by the hearing officer, he shall conduct an investigation and, except as otherwise provided in subsection 4,

render a decision within 60 days after his receipt of the application or order. If in conducting his investigation the compensation officer believes that:

- (a) Reports on the previous medical history of the victim;
  - (b) An examination of the victim and a report of that examination;
  - (c) A report on the cause of death of the victim by an impartial medical expert; or
  - (d) Investigative or police reports,
- would aid him in making his decision, the compensation officer may order the reports.

3. Upon the request of a compensation officer pursuant to subsection 2 for investigative or police reports which concern a minor who committed a crime against the victim, a juvenile court or a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any* reports obtained by a compensation officer pursuant to this subsection are confidential and must not be disclosed except upon the lawful order of a court of competent jurisdiction.

4. When additional reports are requested pursuant to subsection 2, the compensation officer shall render a decision in the case, including an order directing the payment of compensation, if compensation is due, within 15 days after receipt of the reports.

Sec. 52. NRS 218.5356 is hereby amended to read as follows:

218.5356 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division of the Legislative Counsel Bureau. The fiscal analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the fiscal analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the fiscal analysts determine is necessary or at the request of the Committee:

- (a) Collect and analyze data and issue written reports concerning:
  - (1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;
  - (2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;
  - (3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;
  - (4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and
  - (5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.
- (b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:
  - (1) As the fiscal analysts determine are necessary; or

(2) At the request of the Legislature.

↪ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before December 31 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The Bureau shall, on or before December 31 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission.

3. The Bureau may, pursuant to NRS 218.687, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection ~~or~~ *or section 6 of this act*, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218.625. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 53. NRS 218.870 is hereby amended to read as follows:

218.870 1. The Legislative Auditor shall keep or cause to be kept a complete file of copies of all reports of audits, examinations, investigations and all other reports or releases issued by him.

2. All working papers from an audit are confidential and may be destroyed by the Legislative Auditor 5 years after the report is issued, except that the Legislative Auditor:

(a) Shall release such working papers when subpoenaed by a court ~~or~~ *when required to do so pursuant to section 6 of this act*; or

(b) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him or by any other person authorized by the Legislative Commission.

Sec. 54. NRS 228.450 is hereby amended to read as follows:

228.450 1. The Ombudsman for Victims of Domestic Violence shall:

(a) Prepare quarterly reports relating to victims of domestic violence from information collected from the Central Repository for Nevada Records of Criminal History, if any such information is available.

(b) Provide necessary assistance to victims of domestic violence.

(c) Provide education to the public concerning domestic violence, including, without limitation, the prevention of domestic violence, available assistance to victims of domestic violence and available treatment for persons who commit domestic violence.

(d) Perform such other tasks as are necessary to carry out his duties and the functions of his office.

2. Except as otherwise provided in this subsection ~~§~~ and section 6 of this act, information collected pursuant to paragraph (a) of subsection 1 is confidential and must not be disclosed to any person under any circumstances, including, without limitation, pursuant to a subpoena, search warrant or discovery proceeding. Such information may be used for statistical purposes if the identity of the person is not discernible from the information disclosed.

3. Any grant received by the Office of the Attorney General for assistance to victims of domestic violence may be used to compensate the Ombudsman for Victims of Domestic Violence.

Sec. 55. NRS 231.069 is hereby amended to read as follows:

231.069 1. ~~§~~ Except as otherwise provided in section 6 of this act, if so requested by a client, the Commission on Economic Development shall keep confidential any record or other document in its possession concerning the initial contact with and research and planning for that client. If such a request is made, the Executive Director shall attach to the file containing the record or document a certificate signed by him stating that a request for confidentiality was made by the client and the date of the request.

2. Records and documents that are confidential pursuant to subsection 1 remain confidential until the client:

(a) Initiates any process regarding the location of his business in Nevada which is within the jurisdiction of a state agency other than the Commission; or

(b) Decides to locate his business in Nevada.

Sec. 56. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section ~~§~~ or section 6 of this act, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment or public accommodations is confidential.

2. The Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) To any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the party against whom the unlawful discriminatory practice is alleged or any person who provided information to the Commission during the investigation.



3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the party against whom the unlawful discriminatory practice is alleged if:

- (a) Each has consented to such disclosure; or
- (b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the party against whom the unlawful discriminatory practice is alleged:

- (a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.
- (b) Any investigative notes or reports made by the Commission.
- (c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. Except as otherwise provided in this section ~~[7]~~ or *section 6 of this act*, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

6. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 57. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of

the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. No license to engage in any type of business may be granted unless the applicant for the license signs an affidavit affirming that the business has complied with the provisions of NRS 360.780. The county license board shall provide upon request an application for a business license pursuant to NRS 360.780. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his profession for any type of compensation as an employee.

5. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

6. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

7. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 244.3357 ~~and~~ *and section 6 of this act*, all information concerning license taxes levied

by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation for the exchange of information concerning taxpayers.

Sec. 58. NRS 244.428 is hereby amended to read as follows:

244.428 1. The board of county commissioners of any county may provide by ordinance for the designation of a youth shelter operated within the county as an approved youth shelter.

2. If a board of county commissioners has adopted an ordinance pursuant to subsection 1, a youth shelter that is located in that county and seeking to be designated as an approved youth shelter may apply to the board of county commissioners for such a designation.

3. An ordinance adopted by a board of county commissioners pursuant to subsection 1 must:

(a) Prescribe the requirements for designation of a youth shelter as an approved youth shelter, including, without limitation:

(1) A requirement that the youth shelter provide necessary services;

(2) The form and manner of the application for designation or renewal of a designation as an approved youth shelter;

(3) An application fee in an amount not to exceed the actual cost to the county for reviewing the application; and

(4) A requirement that an applicant must comply with the provisions of an ordinance adopted pursuant to this section and with all applicable federal, state and local laws and ordinances pertaining to shelters for the homeless.

(b) Provide for reasonable inspections of an approved youth shelter to confirm that the youth shelter is complying with the provisions of an ordinance adopted to carry out the provisions of this section.

(c) Provide for the revocation of a designation as an approved youth shelter for failure to comply with the provisions of an ordinance adopted to carry out the provisions of this section.

(d) Require an approved youth shelter to conduct an interview to determine whether a youth is a runaway or homeless youth and is qualified to receive the necessary services of the approved youth shelter.

(e) Upon admission of a runaway or homeless youth to a shelter, require:

(1) The notification of the parent, guardian or custodian of the runaway or homeless youth concerning the whereabouts of the runaway or homeless

youth as soon as practicable, except in circumstances of suspected abuse or neglect;

(2) The notification of state and local law enforcement agencies concerning the whereabouts of the runaway or homeless youth; and

(3) A licensed professional to perform an evaluation of the youth to determine:

(I) The reasons why the youth is a runaway or homeless youth;

(II) Whether the youth is a victim of abuse or neglect; and

(III) Whether the youth needs immediate medical care or counseling.

(f) Require an approved youth shelter to return or facilitate the return of a runaway or homeless youth to the parent, guardian or custodian who was notified of the whereabouts of the runaway or homeless youth pursuant to subparagraph (1) of paragraph (e) if the parent, guardian or custodian so requests.

(g) Provide for the liability of a parent, guardian or custodian of a runaway or homeless youth for any expenses or costs incurred by the approved youth shelter for providing services to the runaway or homeless youth only if the services of the shelter were obtained through fraud or misrepresentation.

(h) ~~Require~~ *Except as otherwise provided in section 6 of this act, require* the information or records obtained by an approved youth shelter to remain confidential, unless the use or disclosure of the information or records is necessary to:

(1) Locate a parent, guardian or custodian of a runaway or homeless youth;

(2) Comply with the duty to report abuse or neglect of a child pursuant to NRS 432B.220;

(3) Notify state and local law enforcement agencies or the clearinghouse; or

(4) Seek appropriate assistance for a runaway or homeless youth from public and private agencies.

4. In a county where the board of county commissioners has adopted an ordinance pursuant to subsection 1, the board of county commissioners may establish, by ordinance, other regulations as are necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Abuse or neglect" means abuse or neglect of a child as defined in NRS 432B.020.

(b) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(c) "Licensed professional" includes, without limitation:

(1) A social worker;

(2) A registered nurse;

(3) A physician;

(4) A psychologist;

(5) A teacher; or

(6) Any other class of persons who are identified in an ordinance adopted by a county who hold a professional license in this State and who are trained to recognize indications of abuse or neglect.

Sec. 59. NRS 250.150 is hereby amended to read as follows:

250.150 If a person listed in NRS 250.140 requests confidentiality, the confidential information of that person may only be disclosed as provided in NRS 250.160 or 250.180 ~~or~~ *or section 6 of this act.*

Sec. 60. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4, the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. No license to engage in any type of business may be granted unless the applicant for the license signs an affidavit affirming that the business has complied with the provisions of NRS 360.780. The city licensing agency shall provide upon request an application for a business license pursuant to NRS 360.780. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his profession for any type of compensation as an employee.

5. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the State has issued or will issue a license required for this activity.

6. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after

the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

7. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 268.0966 ~~[ ]~~ and section 6 of this act, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation for the exchange of information concerning taxpayers.

8. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 61. NRS 268.490 is hereby amended to read as follows:

268.490 The municipality shall cause to be kept proper records of all license taxes which become due or which are collected, or both, including, without limiting the generality of the foregoing, records of delinquent taxes, interest thereon and penalties therefrom, which records, *except as otherwise provided in section 6 of this act*, shall be deemed confidential and shall not be revealed in whole or in part to anyone except in the necessary administration of NRS 268.460 to 268.510, inclusive, or as otherwise provided by law.

Sec. 62. NRS 268.910 is hereby amended to read as follows:

268.910 1. An organization for economic development formed by one or more cities shall, at the request of a client, keep confidential any record or other document in its possession concerning the initial contact with and research and planning for that client. If such a request is made, the executive head of the organization shall attach to the file containing the record or document a certificate signed by him stating that a request for confidentiality was made by the client and showing the date of the request.

2. ~~[Records]~~ *Except as otherwise provided in section 6 of this act, records and documents that are confidential pursuant to subsection 1 remain confidential until the client:*

(a) Initiates any process regarding the location of his business in a city that formed the organization for economic development which is within the jurisdiction of a governmental entity other than the organization for economic development; or

(b) Decides to locate his business in a city that formed the organization for economic development.

Sec. 63. NRS 284.4068 is hereby amended to read as follows:

284.4068 ~~[The]~~ *Except as otherwise provided in section 6 of this act, the results of a screening test taken pursuant to NRS 284.4061 to 284.407, inclusive, are confidential and:*

1. Are not admissible in a criminal proceeding against the person tested;

2. Must be securely maintained by the appointing authority or his designated representative separately from other files concerning personnel; and

3. Must not be disclosed to any person, except:

(a) Upon the written consent of the person tested;

(b) As required by medical personnel for the diagnosis or treatment of the person tested, if he is physically unable to give his consent to the disclosure;

(c) As required pursuant to a properly issued subpoena;

(d) When relevant in a formal dispute between the appointing authority and the person tested; or

(e) As required for the administration of a plan of benefits for employees.

Sec. 64. NRS 289.025 is hereby amended to read as follows:

289.025 1. Except as otherwise provided in subsection 2 ~~[,]~~ *and section 6 of this act, 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.

Sec. 65. NRS 293.503 is hereby amended to read as follows:

293.503 1. The county clerk of each county where a registrar of voters has not been appointed pursuant to NRS 244.164:

(a) Is ex officio county registrar and registrar for all precincts within the county.

(b) Shall have the custody of all books, documents and papers pertaining to registration provided for in this chapter.

2. All books, documents and papers pertaining to registration are official records of the office of the county clerk.

3. The county clerk shall maintain records of any program or activity that is conducted within the county to ensure the accuracy and currency of the registrar of voters' register for not less than 2 years after creation. The



records must include the names and addresses of any person to whom a notice is mailed pursuant to NRS 293.5235, 293.530, or 293.535 and whether the person responded to the notice.

4. Any program or activity that is conducted within the county for the purpose of removing the name of each person who is ineligible to vote in the county from the registrar of voters' register must be complete not later than 90 days before the next primary or general election.

5. Except as otherwise provided by subsection 6, all records maintained by the county clerk pursuant to subsection 3 must be available for public inspection.

6. ~~Any~~ Except as otherwise provided in section 6 of this act, any information relating to where a person registers to vote must remain confidential and is not available for public inspection. Such information may only be used by an election officer for purposes related to voter registration.

Sec. 66. NRS 332.061 is hereby amended to read as follows:

332.061 1. Except as otherwise provided in this subsection ~~and~~ *section 6 of this act*, proprietary information does not constitute public information and is confidential. A person shall not disclose proprietary information unless:

(a) The disclosure is made for the purpose of a civil, administrative or criminal investigation or proceeding; and

(b) The person receiving the information represents in writing that protections exist under applicable law to preserve the integrity, confidentiality and security of the information.

2. A bid which contains a provision that requires negotiation or evaluation by the governing body or an evaluator may not be disclosed until the bid is recommended for the award of a contract.

Sec. 67. NRS 333.333 is hereby amended to read as follows:

333.333 1. Except as otherwise provided in subsection 2 ~~and~~ *section 6 of this act*, proprietary information regarding a trade secret does not constitute public information and is confidential.

2. A person shall not disclose proprietary information regarding a trade secret unless the disclosure is made for the purpose of a civil, administrative or criminal investigation or proceeding, and the person receiving the information represents in writing that protections exist under applicable law to preserve the integrity, confidentiality and security of the information.

Sec. 68. NRS 333.335 is hereby amended to read as follows:

333.335 1. Each proposal must be evaluated by:

(a) The chief of the using agency, or a committee appointed by the chief of the using agency in accordance with the regulations adopted pursuant to NRS 333.135, if the proposal is for a using agency; or

(b) The Chief of the Purchasing Division, or a committee appointed by the Chief in accordance with the regulations adopted pursuant to NRS 333.135, if he is responsible for administering the proposal.

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the Chief of the Purchasing Division determines is necessary to evaluate a proposal. The members of the committee are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to receive their salaries as state officers and employees. No member of the committee may have a financial interest in a proposal.

3. In making an award, the chief of the using agency, the Chief of the Purchasing Division or each member of the committee, if a committee is established, shall consider and assign a score for each of the following factors for determining whether the proposal is in the best interests of the State of Nevada:

(a) The experience and financial stability of the person submitting the proposal;

(b) Whether the proposal complies with the requirements of the request for proposals as prescribed in NRS 333.311;

(c) The price of the proposal, including the imposition of an inverse preference described in NRS 333.336, if applicable; and

(d) Any other factor disclosed in the request for proposals.

4. The chief of the using agency, the Chief of the Purchasing Division or the committee, if a committee is established, shall determine the relative weight of each factor set forth in subsection 3 before a request for proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted.

5. The chief of the using agency, the Chief of the Purchasing Division or the committee, if a committee is established, shall award the contract based on the best interests of the State, as determined by the total scores assigned pursuant to subsection 3, and is not required to accept the lowest-priced proposal.

6. ~~Each~~ *Except as otherwise provided in section 6 of this act, each* proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.

Sec. 69. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the State Public Works Board or the local government.

2. Upon receipt of an application pursuant to subsection 1, the State Public Works Board or the local government shall:

(a) Investigate the applicant to determine whether he is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The State Public Works Board or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of his right to a hearing pursuant to NRS 338.1381.

4. The State Public Works Board or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the State Public Works Board or the local government.

5. The State Public Works Board shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. The local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. ~~[Financial]~~ *Except as otherwise provided in section 6 of this act, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the State Public Works Board or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.*

Sec. 70. NRS 349.775 is hereby amended to read as follows:

349.775 ~~[Any]~~ *Except as otherwise provided in section 6 of this act, or unless the exporter consents to its disclosure, any information submitted to or compiled by the Director regarding the identity, background, finances, marketing plans, trade secrets or any other commercially sensitive affairs of the exporter is confidential. ~~[unless the exporter consents to its disclosure.]~~*

Sec. 71. NRS 353A.100 is hereby amended to read as follows:

353A.100 1. The Chief shall keep or cause to be kept a complete file of copies of all reports of audits, examinations, investigations and all other reports or releases issued by him.

2. All working papers from an audit are confidential and may be destroyed by the Chief 5 years after the report is issued, except that the Chief:

(a) Shall release such working papers when subpoenaed by a court of competent jurisdiction ~~[;]~~ *or when required to do so pursuant to section 6 of this act;*

(b) Shall make such working papers available to the Legislative Auditor upon his request; and

(c) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him.

Sec. 72. NRS 360.795 is hereby amended to read as follows:

360.795 1. Except as otherwise provided in this section and NRS 360.250 ~~and~~ *and section 6 of this act*, the records and files of the Department concerning the administration of NRS 360.760 to 360.798, inclusive, are confidential and privileged. The Department, and any employee of the Department engaged in the administration of NRS 360.760 to 360.798, inclusive, or charged with the custody of any such records or files, shall not disclose any information obtained from those records or files. Neither the Department nor any employee of the Department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Department concerning the administration of NRS 360.760 to 360.798, inclusive, are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a person in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his authorized representative of a copy of any document filed by the person pursuant to NRS 360.760 to 360.798, inclusive.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

(f) Exchanges of information pursuant to subsection 3.

(g) Disclosure of information concerning whether or not a person conducting a business in this State has a state business license.

3. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

4. The Executive Director shall periodically, as he deems appropriate, but not less often than annually, transmit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry a list of the businesses of which he has a record. The list must include the mailing address of the business as reported to the Department.

Sec. 73. NRS 361.044 is hereby amended to read as follows:

361.044 Except as otherwise provided in NRS 360.250 *and section 6 of this act*, and except for information required to be transmitted to the Department, each county assessor shall, at the request of a taxpayer, keep any proprietary information concerning the taxpayer received pursuant to this chapter confidential.

Sec. 74. NRS 363A.110 is hereby amended to read as follows:

363A.110 1. Except as otherwise provided in this section and NRS 360.250 ~~[ ]~~ *and section 6 of this act*, the records and files of the Department concerning the administration of this chapter are confidential and privileged. The Department, and any employee engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from the Department's records or files or from any examination, investigation or hearing authorized by the provisions of this chapter. Neither the Department nor any employee of the Department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Department concerning the administration of this chapter are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a taxpayer in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a taxpayer or his authorized representative of a copy of any return or other document filed by the taxpayer pursuant to this chapter.

(c) Publication of statistics so classified as to prevent the identification of a particular person or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to taxation.

(f) Exchanges of information pursuant to subsection 3.

3. The Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

Sec. 75. NRS 363B.100 is hereby amended to read as follows:

363B.100 1. Except as otherwise provided in this section and NRS 360.250 ~~[ ]~~ *and section 6 of this act*, the records and files of the Department concerning the administration of this chapter are confidential and

privileged. The Department, and any employee engaged in the administration of this chapter or charged with the custody of any such records or files, shall not disclose any information obtained from the Department's records or files or from any examination, investigation or hearing authorized by the provisions of this chapter. Neither the Department nor any employee of the Department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Department concerning the administration of this chapter are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Department and production of records, files and information on behalf of the Department or a taxpayer in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a taxpayer or his authorized representative of a copy of any return or other document filed by the taxpayer pursuant to this chapter.

(c) Publication of statistics so classified as to prevent the identification of a particular person or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit the accounts of the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to taxation.

(f) Exchanges of information pursuant to subsection 3.

3. The Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

Sec. 76. NRS 366.160 is hereby amended to read as follows:

366.160 1. All records of mileage operated, origin and destination points within this State, equipment operated in this State, gallons or cubic feet consumed, and tax paid must at all reasonable times be open to the public.

2. All supporting schedules, invoices and other pertinent papers relative to the business affairs and operations of any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user, and any information obtained by an investigation of the records and equipment of any special fuel supplier, special fuel dealer, special fuel exporter, special fuel transporter or special fuel user, shall be deemed confidential and must not be revealed to any person except as necessary to administer this chapter or as otherwise provided by *section 6 of this act or by any other law*.

Sec. 77. NRS 368A.180 is hereby amended to read as follows:

368A.180 1. Except as otherwise provided in this section and NRS 360.250 ~~and~~ *and section 6 of this act*, the records and files of the Board and the Department concerning the administration of this chapter are confidential and privileged. The Board, the Department and any employee of the Board or the Department engaged in the administration of this chapter or charged with the custody of any such records or files shall not disclose any information obtained from the records or files of the Board or the Department or from any examination, investigation or hearing authorized by the provisions of this chapter. The Board, the Department and any employee of the Board or the Department may not be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the Board and the Department concerning the administration of this chapter are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the Board or the Department and production of records, files and information on behalf of the Board or the Department or a taxpayer in any action or proceeding pursuant to the provisions of this chapter, if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a taxpayer or his authorized representative of a copy of any report or other document filed by the taxpayer pursuant to this chapter.

(c) Publication of statistics so classified as to prevent the identification of a particular person or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the Governor or his agent in the exercise of the Governor's general supervisory powers, or to any person authorized to audit

the accounts of the Board or the Department in pursuance of an audit, or to the Attorney General or other legal representative of the State in connection with an action or proceeding pursuant to this chapter, or to any agency of this or any other state charged with the administration or enforcement of laws relating to taxation.

Sec. 78. NRS 372.750 is hereby amended to read as follows:

372.750 1. Except as otherwise provided in this section, it is a misdemeanor for any member of the Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any

abstract or particulars of it to be seen or examined by any person not connected with the Department.

2. The Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against him.

Sec. 79. NRS 372A.080 is hereby amended to read as follows:

372A.080 1. ~~[A]~~ *Except as otherwise provided in section 6 of this act, all* information which is submitted to the Department by or on behalf of a dealer in controlled substances pursuant to this chapter and all records of the Department which contain the name, address or any other identifying information concerning a dealer are confidential.

2. No criminal prosecution may be initiated on the basis of:



- (a) Information which was submitted to the Department; or
- (b) Evidence derived from information submitted to the Department, pursuant to this chapter or any regulation adopted pursuant thereto.

3. No information described in paragraph (a) or (b) of subsection 2 is admissible in a criminal prosecution, unless the prosecution shows that the information:

- (a) Was independently discovered; or
- (b) Inevitably would have been discovered based on independent information.

4. This section does not prohibit the Department from publishing statistics that do not disclose the identity of a dealer or the contents of a particular return or report submitted to the Department by a dealer.

5. Any person who releases or reveals confidential information in violation of this section is guilty of a gross misdemeanor.

Sec. 80. NRS 374.755 is hereby amended to read as follows:

374.755 1. Except as otherwise provided in this section, it is a misdemeanor for any member of the Nevada Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Department.

2. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, however, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained pursuant to the order of the Governor may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* information obtained by the local government is confidential and may not be used or disclosed for any

purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against him.

Sec. 81. NRS 375A.835 is hereby amended to read as follows:

375A.835 All information and records acquired by the Department or any of its employees pursuant to this chapter are confidential in nature, and except insofar as may be necessary for the enforcement of this chapter or as may be permitted by this chapter ~~[-]~~ *or required by section 6 of this act*, must not be disclosed.

Sec. 82. NRS 375B.450 is hereby amended to read as follows:

375B.450 All information and records acquired from the Internal Revenue Service of the United States Department of the Treasury by the Nevada Tax Commission, the Department or any of their employees pursuant to this chapter are confidential in nature and, except insofar as may be necessary for the enforcement of this chapter, as an employee of the Department has a need to know the information, ~~[-]~~ *as may be permitted by this chapter [-] or as may be required by section 6 of this act*, must not be disclosed.

Sec. 83. NRS 378.300 is hereby amended to read as follows:

378.300 ~~Public~~ *Except as otherwise provided in section 6 of this act*, public records acquired by the Division which have been declared by law to be confidential must remain confidential for 30 years, or if the record relates to a natural person, until his death, whichever is later, unless another period has been fixed by specific statute.

Sec. 84. NRS 379.008 is hereby amended to read as follows:

379.008 1. ~~An~~ *Except as otherwise provided in section 6 of this act*, an application to the State Library and Archives Administrator for certification and all documents in the file of the State Library and Archives Administrator relating to an application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation;

(c) Transcripts of the applicant's record at colleges or other educational institutions;

(d) Correspondence concerning the application; and

(e) Other personal information concerning the applicant,

→ are confidential.

2. It is unlawful to disclose or release the information in an application or a related document except pursuant to the written authorization of the applicant.

3. The State Library and Archives Administrator shall, upon request, make available the file of the applicant for inspection by the applicant during regular business hours.

Sec. 85. NRS 387.626 is hereby amended to read as follows:

387.626 1. A consultant selected to perform a review of a school district shall:

(a) Consider the results and recommendations of other audits, if any, conducted by or on behalf of the school district in the immediately preceding 6 years;

(b) Hold at least one public meeting in the county in which the school district is located to explain the process of the review and to obtain information from school administrators, teachers, parents and guardians, pupils, members of the business community and other residents of the school district concerning the operation and management of the school district; and

(c) Supervise and oversee his employees and other persons enlisted by the consultant to assist with the review.

2. The Department shall provide technical support and expertise to the consultant during the review to ensure that the objectives of the review and the requirements of NRS 387.602 to 387.644, inclusive, are met.

3. Upon the request of the consultant, the Department, the board of trustees of the school district, the superintendent of schools of the school district and the employees of the school district shall make available to the consultant all books, accounts, claims, reports, vouchers, records and other information, confidential or otherwise, necessary for the consultant to carry out his review.

4. The consultant shall:

(a) Maintain the confidentiality of all information, records and data obtained for the purpose of carrying out the provisions of NRS 387.602 to 387.644, inclusive;

(b) Use such information, records and data only for the purpose of carrying out the provisions of NRS 387.602 to 387.644, inclusive, and for no other purposes;

(c) Require his employees and other persons enlisted by the consultant to assist with the review to comply with the confidentiality requirements of this subsection; and

(d) Keep or cause to be kept a complete file of copies of all reports of reviews conducted pursuant to NRS 387.602 to 387.644, inclusive.

5. All working papers from a review conducted pursuant to NRS 387.602 to 387.644, inclusive, are confidential and may be destroyed by the consultant 8 years after the final written report of the review is issued, except that the consultant:

(a) Shall release such working papers when subpoenaed by a court ~~to~~ *or when required to do so pursuant to section 6 of this act*;

(b) Shall make such working papers available to the Legislative Auditor upon his request; and

(c) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him.

Sec. 86. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Mathematics; and
- (c) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 7, 10 and 11.
- (b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

- (1) The plan adopted by the Department; and
- (2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the

examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

↪ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in

grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

*(d) As required pursuant to section 6 of this act.*

Sec. 87. NRS 391.035 is hereby amended to read as follows:

391.035 1. ~~{Am}~~ *Except as otherwise provided in section 6 of this act,* an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) His fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History;

(c) Transcripts of his record at colleges or other educational institutions;

(d) His scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 6 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for his inspection during regular business hours.

Sec. 88. NRS 392.652 is hereby amended to read as follows:

392.652 A plan developed pursuant to NRS 392.620 or updated pursuant to NRS 392.624, a deviation and any information submitted to a development committee pursuant to NRS 392.632, a deviation approved pursuant to

NRS 392.636 and the plan developed pursuant to NRS 392.640 are confidential and, except as otherwise provided in NRS 392.600 to 392.656, inclusive, *and section 6 of this act* must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 89. NRS 392.850 is hereby amended to read as follows:

392.850 1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency or a court. The district need not initiate a request for such information from any source.

2. A school district and the members of its board of trustees are not liable for failure strictly to comply with this section if a good faith effort to comply is made.

3. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any* information received by an employee pursuant to this section is confidential and must not be further disseminated by the employee.

Sec. 90. NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to a development committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 392.640 and 394.168 to 394.1699, inclusive, *and section 6 of this act*, must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 91. NRS 394.447 is hereby amended to read as follows:

394.447 Accreditation may be accepted as evidence of compliance with the minimum standards established by the Commission, or the Administrator may require further evidence and make further investigation as in his judgment or the judgment of the Commission are necessary. Accreditation may be accepted as evidence of compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited. Upon request by the Administrator, the institution shall submit copies of all written materials in its possession relating to its accreditation. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* Administrator shall keep the materials confidential.

Sec. 92. NRS 394.460 is hereby amended to read as follows:

394.460 1. Each person required to be licensed as a postsecondary educational institution by the Commission or each postsecondary educational institution requesting to add a new program or degree or to renew a license must apply to the Administrator, upon forms provided by him. The application must be accompanied by the required fees. The institution's

curriculum and financial statement are confidential *except as otherwise provided in section 6 of this act* or unless, in the opinion of the Commission, they militate against the issuance of a license.

2. After review of the application, any other information required by the Administrator and the report of the panel of evaluators, and an investigation of the applicant if necessary, the Commission shall grant or deny a license or grant a provisional license for a term specified by the Commission. Before the expiration of a provisional license, the Administrator shall inspect the institution, or the Commission may require the appointment of a panel of evaluators to inspect the institution, and recommend whether to revoke or continue the provisional license or to grant an unqualified license. The Commission may accept or reject the recommendation.

3. The license must state at least the following information:

- (a) The date of issuance, effective date and term of the license.
- (b) The correct name, address and owner of the institution.
- (c) The approved degrees or occupational subjects.
- (d) Any limitation considered necessary by the Commission.

4. The term for which a license is given must not exceed 2 years. The license must be posted in a conspicuous place.

5. The license must be issued to the owner or governing body of the institution and is nontransferable. If a change in ownership of the institution occurs, the owner to whom the license was issued shall inform the Administrator, and the new owner or governing body must, within 10 days after the change in ownership, apply for an approval of the change of ownership. If it fails to do so, the license terminates.

6. Within 10 days after a change of location or an addition of buildings or other facilities, the institution must file a notice of the change with the Administrator.

7. At least 60 days before the expiration of a license, the institution must complete and file with the Administrator an application for renewal of its license.

Sec. 93. NRS 394.465 is hereby amended to read as follows:

394.465 1. Except as otherwise provided in subsection 4, before a postsecondary educational institution employs or contracts with a person:

- (a) To occupy an instructional position;
- (b) To occupy an administrative or financial position, including a position as school director, personnel officer, counselor, admission representative, solicitor, canvasser, surveyor, financial aid officer or any similar position; or
- (c) To act as an agent for the institution,

↪ the applicant must submit to the Administrator completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of a complete set of his fingerprints to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation for its report. The fingerprint cards and authorization form submitted must be those which are



provided to the applicant by the Administrator. The applicant's fingerprints must be taken by an agency of law enforcement.

2. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the Administrator shall keep the results of the investigation confidential.*

3. The applicant shall pay the cost of the investigation.

4. An applicant is not required to satisfy the requirements of subsection 1 if he:

(a) Is licensed by the Superintendent of Public Instruction;  
(b) Is an employee of the United States Department of Defense;  
(c) Is a member of the faculty of an accredited postsecondary educational institution in another state who is domiciled in a state other than Nevada and is present in Nevada for a temporary period to teach at a branch of that accredited institution; or

(d) Has satisfied the requirements of subsection 1 within the immediately preceding 5 years.

Sec. 94. NRS 396.525 is hereby amended to read as follows:

396.525 1. *Except as otherwise provided in subsection 2 ~~[and]~~ and section 6 of this act, the records of the genetics program concerning the clients and families of clients are confidential.*

2. The genetics program may share information in its possession with the University of Nevada School of Medicine and the Health Division of the Department of Health and Human Services, if the confidentiality of the information is otherwise maintained in accordance with the terms and conditions required by law.

Sec. 95. NRS 398.403 is hereby amended to read as follows:

398.403 1. *Except as otherwise provided in subsections 2 and 3 ~~[and]~~ and section 6 of this act, the following information and documents do not constitute public information and are confidential:*

(a) Information or documents obtained by the Secretary of State in connection with an investigation conducted pursuant to NRS 398.600 concerning possible violations of NRS 398.400 to 398.620, inclusive; and

(b) Information or documents filed with the Secretary of State in connection with an application for registration filed pursuant to NRS 398.400 to 398.620, inclusive, which constitute commercial or financial information, or business practices, of a person for which that person is entitled to and has asserted a claim of privilege or confidentiality authorized by law.

2. The Secretary of State may submit any information or evidence obtained in connection with an investigation conducted pursuant to NRS 398.600 to the Attorney General or appropriate district attorney for the purpose of prosecuting a criminal action pursuant to NRS 398.400 to 398.620, inclusive.

3. The Secretary of State may disclose any information obtained in connection with an investigation conducted pursuant to NRS 398.600 to any other governmental agency if the disclosure is provided for the purpose of a civil, administrative or criminal investigation or proceeding and the receiving

agency represents in writing that, under applicable law, protections exist to preserve the integrity, confidentiality and security of the information.

4. The provisions of NRS 398.400 to 398.620, inclusive, do not create any privilege and do not diminish any privilege existing pursuant to common law, a specific statute or regulation, or otherwise.

Sec. 96. NRS 416.070 is hereby amended to read as follows:

416.070 1. ~~[Any]~~ *Except as otherwise provided in section 6 of this act,* any information furnished under NRS 416.040 and designated as confidential by the person providing the information shall be maintained as confidential by the Governor and any other person who obtains information which he knows to be confidential under this section.

2. The Governor shall not make known in any manner any particulars of the information to any person other than those he designates in writing as having a need to know such information.

3. No subpoena or other judicial order may be issued compelling the Governor or any other person to divulge or make known the confidential information, except when the information is relevant to proceedings under subsection 6.

4. Nothing in this section prohibits use of confidential information to prepare statistics or other general data for publication in such a manner that the identity of particular persons or business establishments is protected.

5. Any person or business establishment who is served with a subpoena to give oral testimony or to produce any book, paper, correspondence, memorandum, account, agreements or other document or record pursuant to this chapter may apply to any district court for a protective order as provided by Rule 26 of the Nevada Rules of Civil Procedure.

6. In addition to any other penalties provided by law, a person who willfully discloses confidential information in violation of this section is subject to removal from office or immediate dismissal from public employment.

Sec. 97. NRS 422.305 is hereby amended to read as follows:

422.305 1. Except as otherwise provided in subsection 2 and ~~in~~ NRS 228.410 and 422.2374 ~~[ ]~~ *and section 6 of this act,* any information obtained by the Division in an investigation of a provider of services under the State Plan for Medicaid is confidential.

2. The information presented as evidence at a hearing:

(a) To enforce the provisions of NRS 422.450 to 422.590, inclusive; or  
(b) To review an action by the Division against a provider of services under the State Plan for Medicaid,

is not confidential, except for the identity of any recipient of the assistance.

Sec. 98. NRS 425.3828 is hereby amended to read as follows:

425.3828 1. If a written response setting forth objections and requesting a hearing is received by the office issuing the notice and finding of financial responsibility within the specified period, a hearing must be held

pursuant to NRS 425.3832 and notice of the hearing must be sent to the parent by regular mail.

2. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, the master may enter a recommendation for the support of a dependent child in accordance with the notice and shall:

(a) Include in that recommendation:

(1) If the paternity of the dependent child is established by the recommendation, a declaration of that fact.

(2) The amount of monthly support to be paid, including directions concerning the manner of payment.

(3) The amount of arrearages owed.

(4) Whether coverage for health care must be provided for the dependent child.

(5) Any requirements to be imposed pursuant to subparagraph (13) of paragraph (b) of subsection 2 of NRS 425.382, regarding a plan for the payment of support by the parent or the participation of the parent in work activities.

(6) The names of the parents or legal guardians of the child.

(7) The name of the person to whom, and the name and date of birth of the dependent child for whom support is to be paid.

(8) A statement that the property of the parent is subject to an attachment or other procedure for collection, including, but not limited to, withholding of wages, garnishment, liens and execution on liens.

(9) A statement that objections to the recommendation may be filed with the district court and served upon the other party within 10 days after receipt of the recommendation.

(b) Ensure that the social security numbers of the parents or legal guardians of the child and the person to whom support is to be paid are:

(1) Provided to the enforcing authority.

(2) Placed in the records relating to the matter and, except as otherwise required to carry out ~~the~~ *the provisions of section 6 of this act or any other* specific statute, maintained in a confidential manner.

3. The parent must be sent a copy of the recommendation for the support of a dependent child by regular mail addressed to the last known address of the parent, or if applicable, the last known address of the attorney for the parent.

4. The recommendation for the support of a dependent child is final upon approval by the district court pursuant to NRS 425.3844. The Chief may take action to enforce and collect upon the order of the court approving the recommendation, including arrearages, from the date of the approval of the recommendation.

5. If a written response and request for hearing is not received by the office issuing the notice and finding of financial responsibility within the specified period, and the master enters a recommendation for the support of a

dependent child, the court may grant relief from the recommendation on the grounds set forth in paragraph (b) of Rule 60 of the Nevada Rules of Civil Procedure.

Sec. 99. NRS 425.3844 is hereby amended to read as follows:

425.3844 1. A recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, including a recommendation establishing paternity, must be furnished to each party or his attorney at the conclusion of the proceedings or as soon thereafter as possible.

2. Within 10 days after receipt of the recommendation, any party may file with the district court and serve upon the other parties a notice of objection to the recommendation. The notice must include:

- (a) A copy of the master's recommendation;
- (b) The results of any blood tests or tests for genetic identification examined by the master;
- (c) A concise statement setting forth the reasons that the party disagrees with the master's recommendation, including any affirmative defenses that must be pleaded pursuant to the Nevada Rules of Civil Procedure;
- (d) A statement of the relief requested;
- (e) The notice and finding of financial responsibility if the Chief issued such a notice and finding; and
- (f) Any other relevant documents.

3. The district court shall:

(a) If a notice of objection is not filed, accept the recommendation entered by the master, including a recommendation establishing paternity, unless clearly erroneous, and judgment may be entered thereon; or

(b) If a notice of objection is filed within the 10-day period, review the matter pursuant to NRS 425.3834.

4. A party who receives a notice of objection pursuant to subsection 2 is not required to file an answer to that notice. The district court shall review each objection contained in the notice.

5. If a notice of objection includes an objection to a recommendation establishing paternity, the enforcement of any obligation for the support of the child recommended by the master must, upon the filing and service of the notice, be stayed until the district court rules upon the determination of paternity. The obligation for the support of the child continues to accrue during the consideration of the determination of paternity and must be collected as arrears after the completion of the trial if the court approves the recommendation of the master.

6. If a recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, including a recommendation establishing paternity, modifies or adjusts a previous order for support issued by any district court in this state, that district court shall review the recommendation and approve or reject the recommendation issued by the master.

7. Upon approval by the district court of a recommendation entered by a master pursuant to NRS 425.382 to 425.3852, inclusive, including a

recommendation establishing paternity, a copy of the recommendation, with the approval of the court endorsed thereon, must be filed:

- (a) In the office of the clerk of the district court;
- (b) If the order of the district court approving the recommendation of the master modifies or adjusts a previous order issued by any district court in this state, with the original order in the office of the clerk of that district court; and
- (c) With any court that conducts a proceeding related thereto pursuant to the provisions of chapter 130 of NRS.

8. A district court that approves a recommendation pursuant to this section shall ensure that, before the recommendation is filed pursuant to subsection 7, the social security numbers of the parents or legal guardians of the child are:

- (a) Provided to the enforcing authority.
- (b) Placed in the records relating to the matter and, except as otherwise required to carry out ~~the provisions of section 6 of this act or any other~~ specific statute, maintained in a confidential manner.

9. Upon the approval and filing of the recommendation as provided in subsection 7, the recommendation has the force, effect and attributes of an order or decree of the district court, including, but not limited to, enforcement by supplementary proceedings, contempt of court proceedings, writs of execution, liens and writs of garnishment.

Sec. 100. NRS 425.3855 is hereby amended to read as follows:

425.3855 A district court that enters an order pursuant to NRS 425.382 to 425.3852, inclusive, or an order approving a recommendation for the support of a dependent child made by a master shall ensure that the social security numbers of the parents or legal guardians of the child are:

- 1. Provided to the enforcing authority.
- 2. Placed in the records relating to the matter and, except as otherwise required to carry out ~~the provisions of section 6 of this act or any other~~ specific statute, maintained in a confidential manner.

Sec. 101. NRS 427A.1236 is hereby amended to read as follows:

427A.1236 All records in the possession of the Specialist for the Rights of Elderly Persons relating to his counseling or representation of an elderly person are confidential and must not be released to any other person except upon order of a court of competent jurisdiction ~~or pursuant to the provisions of section 6 of this act.~~

Sec. 102. NRS 432B.280 is hereby amended to read as follows:

432B.280 1. ~~Reports~~ Except as otherwise provided in section 6 of this act, reports made pursuant to this chapter, as well as all records concerning these reports and investigations thereof, are confidential.

2. Any person, law enforcement agency or public agency, institution or facility who willfully releases data or information concerning such reports and investigations, except:

(a) Pursuant to a criminal prosecution relating to the abuse or neglect of a child;

(b) As otherwise authorized or required pursuant to NRS 432B.290; or

(c) As otherwise required pursuant to NRS 432B.513,

↪ is guilty of a misdemeanor.

Sec. 103. NRS 432B.407 is hereby amended to read as follows:

432B.407 1. A multidisciplinary team to review the death of a child is entitled to access to:

(a) All investigative information of law enforcement agencies regarding the death;

(b) Any autopsy and coroner's investigative records relating to the death;

(c) Any medical or mental health records of the child; and

(d) Any records of social and rehabilitative services or of any other social service agency which has provided services to the child or the child's family.

2. Each organization represented on a multidisciplinary team to review the death of a child shall share with other members of the team information in its possession concerning the child who is the subject of the review, any siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

3. A multidisciplinary team to review the death of a child may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers relevant to the cause of any death being investigated by the team. ~~{Any}~~ *Except as otherwise provided in section 6 of this act, any books, records or papers received by the team pursuant to the subpoena shall be deemed confidential and privileged and not subject to disclosure.*

4. Information acquired by, and the records of, a multidisciplinary team to review the death of a child are confidential, must not be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding.

Sec. 104. NRS 433.534 is hereby amended to read as follows:

433.534 1. The rights of a client enumerated in this chapter must not be denied except to protect the client's health and safety or to protect the health and safety of others, or both. Any denial of those rights in any facility must be entered in the client's record of treatment, and notice of the denial must be forwarded to the administrative officer of the facility. Failure to report denial of rights by an employee may be grounds for dismissal.

2. If the administrative officer of a facility receives notice of a denial of rights as provided in subsection 1, he shall cause a full report to be prepared which must set forth in detail the factual circumstances surrounding the denial. ~~{Such}~~ *Except as otherwise provided in section 6 of this act, such a report is confidential and must not be disclosed. A copy of the report must be sent to the Commission.*

3. The Commission:

(a) Shall receive reports of and may investigate apparent violations of the rights guaranteed by this chapter;

(b) May act to resolve disputes relating to apparent violations;

(c) May act on behalf of clients to obtain remedies for any apparent violations; and

(d) Shall otherwise endeavor to safeguard the rights guaranteed by this chapter.

4. Pursuant to NRS 241.030, the Commission may close any portion of a meeting in which it considers the character, alleged misconduct or professional competence of a person in relation to:

(a) The denial of the rights of a client; or

(b) The care and treatment of a client.

➡ The provisions of this subsection do not require a meeting of the Commission to be closed to the public.

Sec. 105. NRS 439.270 is hereby amended to read as follows:

439.270 1. The State Board of Health shall define epilepsy for the purposes of the reports hereinafter referred to in this section.

2. All physicians shall report immediately to the Health Division, in writing, the name, age and address of every person diagnosed as a case of epilepsy.

3. The Health Division shall report, in writing, to the Department of Motor Vehicles the name, age and address of every person reported to it as a case of epilepsy.

4. ~~{The}~~ *Except as otherwise provided in section 6 of this act, the reports are for the information of the Department of Motor Vehicles and must be kept confidential and used solely to determine the eligibility of any person to operate a vehicle on the streets and highways of this State.*

5. A violation of this section is a misdemeanor.

Sec. 106. NRS 439.840 is hereby amended to read as follows:

439.840 1. The Health Division shall, to the extent of legislative appropriation and authorization:

(a) Collect and maintain reports received pursuant to NRS 439.835; and

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

2. ~~{Reports}~~ *Except as otherwise provided in section 6 of this act, reports received pursuant to NRS 439.835 are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.*

Sec. 107. NRS 439B.420 is hereby amended to read as follows:

439B.420 1. A hospital or related entity shall not establish a rental agreement with a physician or entity that employs physicians that requires any portion of his medical practice to be referred to the hospital or related entity.

2. The rent required of a physician or entity which employs physicians by a hospital or related entity must not be less than 75 percent of the rent for

comparable office space leased to another physician or other lessee in the building, or in a comparable building owned by the hospital or entity.

3. A hospital or related entity shall not pay any portion of the rent of a physician or entity which employs physicians within facilities not owned or operated by the hospital or related entity, unless the resulting rent is no lower than the highest rent for which the hospital or related entity rents comparable office space to other physicians.

4. A health facility shall not offer any provider of medical care any financial inducement, excluding rental agreements subject to the provisions of subsection 2 or 3, whether in the form of immediate, delayed, direct or indirect payment to induce the referral of a patient or group of patients to the health facility. This subsection does not prohibit bona fide gifts under \$100, or reasonable promotional food or entertainment.

5. The provisions of subsections 1 to 4, inclusive, do not apply to hospitals in a county whose population is less than 50,000.

6. A hospital, if acting as a billing agent for a medical practitioner performing services in the hospital, shall not add any charges to the practitioner's bill for services other than a charge related to the cost of processing the billing.

7. A hospital or related entity shall not offer any financial inducement to an officer, employee or agent of an insurer, a person acting as an insurer or self-insurer or a related entity. A person shall not accept such offers. This subsection does not prohibit bona fide gifts of under \$100 in value, or reasonable promotional food or entertainment.

8. A hospital or related entity shall not sell goods or services to a physician unless the costs for such goods and services are at least equal to the cost for which the hospital or related entity pays for the goods and services.

9. Except as otherwise provided in this subsection, a practitioner or health facility shall not refer a patient to a health facility or service in which the referring party has a financial interest unless the referring party first discloses the interest to the patient. This subsection does not apply to practitioners subject to the provisions of NRS 439B.425.

10. The Director may, at reasonable intervals, require a hospital or related entity or other party to an agreement to submit copies of operative contracts subject to the provisions of this section after notification by registered mail. The contracts must be submitted within 30 days after receipt of the notice. Contracts submitted pursuant to this subsection are confidential, except *pursuant to the provisions of section 6 of this act and in cases in which an action is brought pursuant to subsection 11.*

11. A person who willfully violates any provision of this section is liable to the State of Nevada for:

(a) A civil penalty in an amount of not more than \$5,000 per occurrence, or 100 percent of the value of the illegal transaction, whichever is greater.

(b) Any reasonable expenses incurred by the State in enforcing this section.



↪ Any money recovered pursuant to this subsection as a civil penalty must be deposited in a separate account in the State General Fund and used for projects intended to benefit the residents of this State with regard to health care. Money in the account may only be withdrawn by act of the Legislature.

12. As used in this section, "related entity" means an affiliated person or subsidiary as those terms are defined in NRS 439B.430.

Sec. 108. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except as follows:

1. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

2. In a prosecution for a violation of this chapter.

3. In a proceeding for an injunction brought pursuant to this chapter.

4. In reporting the actual or suspected abuse or neglect of a child or elderly person.

5. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the Board.

6. If the person who is the subject of the information consents in writing to the disclosure.

7. Pursuant to subsection 2 of NRS 441A.320 or NRS 629.069.

8. If the disclosure is made to the Department of Health and Human Services and the person about whom the disclosure is made has been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for Medicaid.

9. To a firefighter, police officer or person providing emergency medical services if the Board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the Board.

10. If the disclosure is authorized or required by *section 6 of this act or another specific statute*.

Sec. 109. NRS 442.395 is hereby amended to read as follows:

442.395 ~~HH~~ *Except as otherwise provided in section 6 of this act, if a pregnant woman is referred to the Health Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or other associated documentation is confidential and must not be used in any criminal prosecution of the woman.*

Sec. 110. NRS 449.245 is hereby amended to read as follows:

449.245 1. No hospital licensed under the provisions of NRS 449.001 to 449.240, inclusive, may release from the hospital or otherwise surrender physical custody of any child under 6 months of age, whose living parent or guardian is known to the hospital, to any person other than a parent, guardian or relative by blood or marriage of that child, without a written authorization signed by a living parent, who must be the mother if unwed, or guardian specifying the particular person or agency to whom the child may be released and the permanent address of that person or agency.

2. Upon the release or other surrender of physical custody of the child, the hospital shall require from the person to whom the child is released such reasonable proof of identity as the hospital may deem necessary for compliance with the provisions of this section. The hospital shall furnish a true copy of the written authorization to the Division of Child and Family Services of the Department of Health and Human Services before the release or other surrender by it of physical custody of the child. The copy must be furnished to the Division immediately upon receipt by the hospital.

3. Any person to whom any such child is released who thereafter surrenders physical custody of that child to any other person or agency shall, upon demand by the Division of Child and Family Services, disclose to the Division the name and permanent address of the person or agency to whom physical custody of the child was delivered.

4. ~~{All}~~ *Except as otherwise provided in section 6 of this act*, all information received by the Division of Child and Family Services pursuant to the provisions of this section is confidential and must be protected from disclosure in the same manner that information is protected under NRS 432.035.

5. Compliance with the provisions of this section is not a substitute for compliance with NRS 127.220 to 127.310, inclusive, governing placements for adoption and permanent free care.

6. A violation of any provision of this section is a misdemeanor.

Sec. 111. NRS 449.720 is hereby amended to read as follows:

449.720 Every patient of a medical facility, facility for the dependent or home for individual residential care has the right to:

1. Receive considerate and respectful care.
2. Refuse treatment to the extent permitted by law and to be informed of the consequences of that refusal.
3. Refuse to participate in any medical experiments conducted at the facility.

4. Retain his privacy concerning his program of medical care. Discussions of a patient's care, consultation with other persons concerning the patient, examinations or treatments, and all communications and records concerning the patient, except as otherwise provided in NRS 108.640, 442.300 to 442.330, inclusive, and 449.705, and chapter 629 of NRS ~~{ }~~ *and section 6 of this act* are confidential. The patient must consent to the presence

of any person who is not directly involved with his care during any examination, consultation or treatment.

5. Have any reasonable request for services reasonably satisfied by the facility or home considering its ability to do so.

6. Receive continuous care from the facility or home. The patient must be informed:

(a) Of his appointments for treatment and the names of the persons available at the facility or home for those treatments; and

(b) By his physician or an authorized representative of the physician, of his need for continuing care.

Sec. 112. NRS 453.1545 is hereby amended to read as follows:

453.1545 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III or IV that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III and IV to pharmacies, practitioners and appropriate state agencies to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Division, the Health Division of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

2. The Board and the Division must have access to the program established pursuant to subsection 1 to identify any suspected fraudulent or illegal activity related to the dispensing of controlled substances.

3. The Board or the Division shall report any activity it reasonably suspects may be fraudulent or illegal to the appropriate law enforcement agency or occupational licensing board and provide the law enforcement agency or occupational licensing board with the relevant information obtained from the program for further investigation.

4. Information obtained from the program relating to a practitioner or a patient is confidential and, except as otherwise provided by this section ~~§~~ and section 6 of this act, must not be disclosed to any person. That information must be disclosed:

(a) Upon the request of a person about whom the information requested concerns or upon the request on his behalf by his attorney; or

(b) Upon the lawful order of a court of competent jurisdiction.

5. The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

Sec. 113. NRS 453.720 is hereby amended to read as follows:

453.720 Unless otherwise requested by a narcotic addict being treated, or a person who in the past was treated, under NRS 453.660, *and except as otherwise provided in section 6 of this act*, all information in possession of the Health Division of the Department, any rehabilitation clinic or any certified hospital concerning such person is confidential and privileged.

Sec. 114. NRS 453A.610 is hereby amended to read as follows:

453A.610 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, the University of Nevada School of Medicine shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written materials that the School of Medicine creates or receives pursuant to the research program described in NRS 453A.600; or

(b) The name or any other identifying information of a person who has applied to or who participates in the research program described in NRS 453A.600.

➔ ~~The~~ *Except as otherwise provided in section 6 of this act*, the items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the School of Medicine may release the name and other identifying information of a person who has applied to or who participates in the research program described in NRS 453A.600 to:

(a) Authorized employees of the State of Nevada as necessary to perform official duties related to the research program; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is a lawful participant in the research program.

Sec. 115. NRS 453A.700 is hereby amended to read as follows:

453A.700 1. Except as otherwise provided in this section, ~~and~~ *and subsection 4 of NRS 453A.210 and section 6 of this act*, the Department and any designee of the Department shall maintain the confidentiality of and shall not disclose:

(a) The contents of any applications, records or other written documentation that the Department or its designee creates or receives pursuant to the provisions of this chapter; or

(b) The name or any other identifying information of:

(1) An attending physician; or

(2) A person who has applied for or to whom the Department or its designee has issued a registry identification card.

↪ ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* items of information described in this subsection are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

2. Notwithstanding the provisions of subsection 1, the Department or its designee may release the name and other identifying information of a person to whom the Department or its designee has issued a registry identification card to:

(a) Authorized employees of the Department or its designee as necessary to perform official duties of the Department; and

(b) Authorized employees of state and local law enforcement agencies, only as necessary to verify that a person is the lawful holder of a registry identification card issued to him pursuant to NRS 453A.220 or 453A.250.

Sec. 116. NRS 459.050 is hereby amended to read as follows:

459.050 1. Any authorized representative of the Health Division may enter at any reasonable time upon any private or public property for the purpose of determining whether there is compliance with or violation of the provisions of NRS 459.010 to 459.290, inclusive, or of the rules and regulations promulgated under NRS 459.010 to 459.290, inclusive, and the owner, occupant or person in charge of such property shall permit such entry and inspection.

2. Entry into areas under the jurisdiction of the Federal Government shall be effected only with the concurrence of the Federal Government or its duly designated representative.

3. Any report of investigation or inspection, or any information concerning trade secrets or secret industrial processes obtained under NRS 459.010 to 459.290, inclusive, shall not be disclosed or opened to public inspection except *as otherwise provided in section 6 of this act* or as may be necessary for the performance of the functions of the State Board of Health.

Sec. 117. NRS 459.555 is hereby amended to read as follows:

459.555 1. Except as otherwise provided in this section, information which the Department obtains in the course of the performance of its duties relating to hazardous waste is public information.

2. ~~[Any]~~ *Except as otherwise provided in section 6 of this act, any* information which specifically relates to the trade secrets of any person, including any processes, operations, style of work or apparatus, is confidential whenever it is established to the satisfaction of the Director that the information is entitled to protection as a trade secret. In determining whether the information is entitled to protection, the Director shall consider, among other things, whether the disclosure of that information would tend to affect adversely the competitive position of the information's owner.

3. Any information which is confidential under subsection 2 may be disclosed to any officer, employee or authorized representative of this State or the United States if:

(a) He is engaged in carrying out the provisions of NRS 459.400 to 459.600, inclusive, or the provisions of federal law relating to hazardous waste; or

(b) The information is relevant in any judicial proceeding or adversary administrative proceeding under NRS 459.400 to 459.600, inclusive, or under the provisions of federal law relating to hazardous waste, and is admissible under the rules of evidence.

4. The Commission shall adopt regulations concerning the availability of information which satisfy the criteria established by the Federal Government for delegation to the state of federal programs concerning the management of, and the enforcement of laws relating to, hazardous waste.

Sec. 118. NRS 459.7056 is hereby amended to read as follows:

459.7056 1. Except as otherwise provided in subsection 2 *or section 6 of this act* or required by federal law, the following information is confidential when provided to the Department on a uniform application:

(a) Any information regarding the ownership of a motor carrier.

(b) Any information regarding a parent company, affiliate or subsidiary of a motor carrier.

(c) Any information regarding the financial balance sheet and statement of income of a motor carrier.

(d) Any information regarding the liability of a motor carrier for any debts.

(e) Any information regarding the customers of a motor carrier, including the services provided to specific customers.

2. The Department may, to the extent required for the administration of the uniform program, disclose any information described in subsection 1 to:

(a) An appropriate agency of the Federal Government or a participating state; or

(b) A national repository established to assist in the administration of the uniform program.

Sec. 119. NRS 459.846 is hereby amended to read as follows:

459.846 1. Except as otherwise provided in this section, information which the Department obtains in the course of the performance of its duties relating to storage tanks is public information.

2. ~~Any~~ *Except as otherwise provided in section 6 of this act, any* information which specifically relates to the trade secrets of any person is confidential. The following information shall be deemed a trade secret:

(a) Information concerning fuel additives. For the purposes of this paragraph, "fuel additives" are ingredients which are present in fuel compositions in amounts of less than 1 percent by weight, including detergents, dispersants, demulsifiers and dyes.

(b) Any other information considered to be a trade secret by the Director. A trade secret may include a formula, composition, process, method of operation, compilation of information or apparatus which is used in a person's business and gives that person an opportunity to obtain an advantage

over competitors. In determining whether information is a trade secret, the Director shall consider whether the information is publicly available in written form and, if not, whether its disclosure would tend to affect adversely the competitive position of the owner of the information.

3. Any information which is confidential under subsection 2 may be disclosed to any officer, employee or authorized representative of this State or the United States if:

(a) He is engaged in carrying out the provisions of NRS 459.800 to 459.856, inclusive, or the provisions of federal law relating to storage tanks; or

(b) The information is relevant in any judicial proceeding or adversary administrative proceeding under NRS 459.800 to 459.856, inclusive, or under the provisions of federal law relating to storage tanks, and is admissible under the rules of evidence.

↪ The disclosure must be made in a manner which preserves the status of the information as a trade secret.

Sec. 120. NRS 482.170 is hereby amended to read as follows:

482.170 Except as otherwise provided in NRS 481.063 and 485.316 ~~§~~ *and section 6 of this act*, all personal information in the records of registration and licensing in the offices of the Department is confidential and must not knowingly be disclosed by the Department.

Sec. 121. 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 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. ~~Information~~ *Except as otherwise provided in section 6 of this act, information* pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

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

5. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to 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. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

7. The Department shall submit to the organ donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 5 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. 122. NRS 483.363 is hereby amended to read as follows:

483.363 1. A person who is 18 years of age or older may file with the Department a report requesting that the Department examine a licensee who:

(a) Is related to the person filing the report within the third degree of consanguinity or who is the spouse of the person filing the report; and

(b) The person filing the report reasonably and in good faith believes cannot safely operate a motor vehicle.

2. The report described in subsection 1 must:



(a) Include the name, relationship, address, telephone number and signature of the person filing the report.

(b) State the person's basis for believing that the licensee cannot safely operate a motor vehicle, which basis must be:

(1) Personal observation or physical evidence of a physical or medical condition that has the potential to impair the ability of the licensee to operate a motor vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee's ability to safely operate a motor vehicle;

(2) Personal knowledge that the driving record of the licensee indicates the unsafe operation of a motor vehicle, corroborated by an affidavit from a physician in which the physician concurs that the licensee should be examined to determine the licensee's ability to safely operate a motor vehicle; or

(3) An investigation by a law enforcement officer.

(c) Be kept confidential, *except as otherwise provided in section 6 of this act and* except that the report must be released upon request of the licensee or an order of a court of competent jurisdiction.

➔ No person may file more than one report concerning the same licensee within a 12-month period.

3. The Director shall prescribe:

(a) A standard form to be used for the filing of a report pursuant to this section; and

(b) The procedure to be used for the filing of a report pursuant to this section.

Sec. 123. NRS 483.800 is hereby amended to read as follows:

483.800 1. The following sources shall submit, within 30 days after learning such information, to the Department the name, address, birth date, social security number, visual acuity and any other information which may be required by regulation of the Department, of persons who are blind or night-blind or whose vision is severely impaired and shall designate whether the person is blind, night-blind or has severely impaired vision:

(a) Hospitals, medical clinics and similar institutions which treat persons who are blind, night-blind or whose vision is severely impaired; and

(b) Agencies of the State and political subdivisions which provide special tax consideration for blindness.

2. When any source described in subsection 1 learns that vision has been restored to any person whose name appears in the registry established pursuant to subsection 3, the fact of restoration of vision must be reported to the registry within 30 days after learning of that fact.

3. The Department may establish a registry for the purposes of this section and adopt regulations governing reports to and operation of the registry.

4. The Department shall maintain a file of the names, addresses, birth dates and social security numbers of persons who are blind or night-blind or whose vision is severely impaired.

5. ~~[A]~~ *Except as otherwise provided in section 6 of this act, all information learned by the Department pursuant to this section is confidential and any person who, without the consent of the person concerned, reveals that information for purposes other than those specified in this section, or other than for administration of the Program for Supplemental Security Income, including State Supplementary Assistance pursuant to chapter 422 or 422A of NRS, or services to blind persons pursuant to NRS 426.518 to 426.610, inclusive, is guilty of a misdemeanor.*

Sec. 124. NRS 484.229 is hereby amended to read as follows:

484.229 1. Except as otherwise provided in subsections 2, 3 and 4, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of \$750 or more, shall, within 10 days after the accident, forward a written report of the accident to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written reports whenever the original report is insufficient in the opinion of the Department.

2. A report is not required from any person if the accident was investigated by a law enforcement agency and the report of the investigating officer contains:

- (a) The name and address of the insurance company providing coverage to each person involved in the accident;
- (b) The number of each policy; and
- (c) The dates on which the coverage begins and ends.

3. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the Transportation Services Authority need not submit in his report the information requested pursuant to subsection 3 of NRS 484.247 until the 10th day of the month following the month in which the accident occurred.

4. A written accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of his incapacity. Whenever the driver is physically incapable of making a written report of an accident as required in this section and he is not the owner of the vehicle, the owner shall within 10 days after knowledge of the accident make the report not made by the driver.

5. All written reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for accident prevention, *except as otherwise provided in section 6 of this act and* except that the Department may disclose to a person involved in an accident or to his insurer the identity of another person involved in the accident when his identity is not otherwise known or when he denies his presence at the accident. The Department may also disclose the name of his insurer and the number of his policy.

6. A written report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484.236.

Sec. 125. NRS 485.316 is hereby amended to read as follows:

485.316 1. Except as otherwise provided in subsections 2 and 3 ~~and~~ *and section 6 of this act*, information which is maintained in the database created pursuant to NRS 485.313 is confidential.

2. The Department may only disclose information which is maintained in the database, upon request, to a state or local governmental agency for the purpose of enforcing NRS 485.185, including investigating or litigating a violation or alleged violation.

3. The Department may only disclose information retrieved from the database to:

- (a) A person who requests information regarding his own status;
- (b) The parent or legal guardian of the person about whom the information is requested if the person is an unemancipated minor or legally incapacitated;
- (c) A person who has a power of attorney from the person about whom the information is requested;
- (d) A person who submits a notarized release from the person about whom the information is requested which is dated no more than 90 days before the date of the request; or
- (e) A person who has suffered a loss or injury in an accident involving a motor vehicle, or his authorized insurer or a representative of his authorized insurer, who requests:
  - (1) Information for use in the accident report; and
  - (2) For each motor vehicle involved in the accident:
    - (I) The name and address of each registered owner;
    - (II) The name of the insurer; and

(III) The number of the policy of liability insurance.

4. A person who knowingly violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "authorized insurer" has the meaning ascribed to it in NRS 679A.030.

Sec. 126. NRS 561.285 is hereby amended to read as follows:

561.285 1. Except as otherwise provided in subsection 2, the Department may collect and disseminate, throughout the State, information calculated to educate and benefit the general public and the livestock and agricultural industries of the State of Nevada, and information pertaining to any program administered by the Department.

2. Except as otherwise provided in NRS 571.160 ~~[and section 6 of this act]~~, all proprietary information concerning:

- (a) Numbers of animals;
- (b) The quantity of production;
- (c) Fiscal or tax matters; or
- (d) The security of any facility,

↪ which specifically relates to a natural person, company, corporation or other nonpublic entity, and which is collected by the Department pursuant to the provisions of titles 49 and 50 of NRS and chapters 581, 582, 583, 586, 587, 588 and 590 of NRS, is confidential.

Sec. 127. NRS 571.160 is hereby amended to read as follows:

571.160 If any animal becomes infected with any infectious, contagious or parasitic disease as defined by rules and regulations adopted by the State Quarantine Officer, the owner or agent in charge of the infected animal, or any inspector of the Department or any practicing veterinarian who has knowledge of the infected animal, shall immediately notify the State Quarantine Officer. ~~[A]~~ *Except as otherwise provided in section 6 of this act,* a notification of disease received pursuant to this section must be kept confidential unless:

1. The reported disease is specifically regulated pursuant to NRS 571.130 for mandatory control and eradication to protect the public health, other animals or wildlife; or

2. The State Quarantine Officer determines that a public health emergency exists.

Sec. 128. NRS 584.583 is hereby amended to read as follows:

584.583 1. No distributor or retailer may sell fluid milk, fluid cream, butter or any fresh dairy product below cost.

2. In determining the cost for a distributor who processes or manufactures fluid milk, fluid cream, butter or any fresh dairy product, the following factors, in addition to any other factor acceptable to the Commission, must be considered:

(a) Cost of raw products based on actual cost or on current and prospective supplies of fluid milk and fluid cream in relation to current and prospective demands for fluid milk and fluid cream.

(b) Cost of production.

(c) Reasonable return on capital investment.

(d) Producer's costs for transportation.

(e) Cost of compliance with health regulations.

(f) Overhead.

3. In determining the cost for a peddler-distributor or retailer, the following factors, in addition to any other factor acceptable to the Commission, must be considered:

(a) Purchase price of the product.

(b) Overhead for handling.

(c) Reasonable return on capital investment.

4. For the purposes of subsections 2 and 3:

(a) Reasonable return on capital investment must be calculated per unit of production by dividing the product of:

(1) The net capital investment; and

(2) The reasonable rate of return on capital investment,

→ by the total sales per unit of production. "Net capital investment" includes land, buildings, equipment and any other capital asset used as a rate base. A reasonable rate of return on capital investment shall be deemed to be the rate fixed for 6-month United States treasury bills at the auction in the first week of the month of January or July immediately preceding the date that the reasonable return on capital investment is calculated.

(b) Costs for overhead must be determined according to generally accepted principles of accounting and allocated proportionately to each unit of production. Costs for overhead include salaries for executives and officers of the company, all other costs of labor, including indirect costs, rent, depreciation, costs for maintenance, costs incurred in delivering the product, fees for licenses, taxes and insurance, cost of materials, costs for repairs, the cost of electricity and other public utilities, and all other costs that relate to the sale and distribution of the product. Any expense incurred in the marketing of a finished or manufactured dairy product which cannot be attributed directly to a particular product must be apportioned to the product on a basis consistent with generally accepted principles of accounting relating to costs.

5. Each distributor who processes or manufactures fluid milk, fluid cream, butter or any fresh dairy product and each peddler-distributor shall file with the Commission a statement of costs, listing separately, and as applicable, the items set forth in subsection 2 or 3 of this section and any other applicable factors relating to cost. The statements must be kept current as prescribed by regulations adopted by the Commission. All statements must be kept confidential by the Commission *except as otherwise provided in*

*section 6 of this act and except when used in judicial or administrative proceedings pursuant to NRS 584.325 to 584.670, inclusive.*

6. Each distributor who processes or manufactures fluid milk, fluid cream, butter or any fresh dairy product and each peddler-distributor shall file with the Commission lists of wholesale prices and of minimum retail, distributor and dock prices. No distributor may sell at wholesale prices other than, or at retail, distributor or dock prices less than, those contained in the appropriate list, except in the case of bids to departments or agencies of federal, state and local governments. In no case may the distributor sell or offer to sell below cost.

Sec. 129. NRS 584.5835 is hereby amended to read as follows:

584.5835 1. A distributor shall not sell a substitute dairy product, as defined in NRS 584.176, below its cost to him.

2. A distributor who sells or distributes a substitute dairy product shall file with the Commission a statement of the cost of the substitute dairy product to him. The statement must be supplemented periodically as required by regulations adopted by the Commission. The Commission shall keep all statements confidential *except as otherwise provided in section 6 of this act and except when used in a judicial proceeding or an administrative proceeding relating to the provisions of this chapter.*

Sec. 130. NRS 584.655 is hereby amended to read as follows:

584.655 Any record or report made to the Commission pursuant to the provisions of NRS 584.650 shall be confidential and shall not be divulged *except as otherwise provided in section 6 of this act and except when necessary for the proper determination of any court proceedings or hearing before the Commission.*

Sec. 131. NRS 598.0979 is hereby amended to read as follows:

598.0979 1. Notwithstanding the requirement of knowledge as an element of a deceptive trade practice, when the Commissioner or Director has cause to believe that a person has engaged or is engaging in any deceptive trade practice, knowingly or otherwise, he may request in writing that the Attorney General represent him in instituting an appropriate legal proceeding, including, without limitation, an application for an injunction or temporary restraining order prohibiting the person from continuing the practices. The court may make orders or judgments necessary to prevent the use by the person of any such deceptive trade practice or to restore to any other person any money or property which may have been acquired by the deceptive trade practice.

2. Where the Commissioner or Director has the authority to institute a civil action or other proceeding, in lieu thereof or as a part thereof, he may accept an assurance of discontinuance of any deceptive trade practice. This assurance may include a stipulation for the payment by the alleged violator of:

(a) The costs of investigation and the costs of instituting the action or proceeding;

(b) Any amount of money which he may be required to pay pursuant to the provisions of NRS 598.0971 in lieu of any administrative fine; and

(c) The restitution of any money or property acquired by any deceptive trade practice.

↪ Except as otherwise provided in this subsection ~~and section 6 of this act~~, any assurance of discontinuance accepted by the Commissioner or Director and any stipulation filed with the court is confidential to the parties to the action or proceeding and to the court and its employees. Upon final judgment by the court that an injunction or a temporary restraining order, issued as provided in subsection 1, ~~of this section,~~ has been violated, an assurance of discontinuance has been violated or a person has engaged in the same deceptive trade practice as had previously been enjoined, the assurance of discontinuance or stipulation becomes a public record. Proof by a preponderance of the evidence of a violation of an assurance constitutes prima facie evidence of a deceptive trade practice for the purpose of any civil action or proceeding brought thereafter by the Commissioner or Director, whether a new action or a subsequent motion or petition in any pending action or proceeding.

Sec. 132. NRS 598A.110 is hereby amended to read as follows:

598A.110 Any procedure, testimony taken, document or other tangible evidence produced, or answer made under NRS 598A.100 shall be kept confidential by the Attorney General prior to the institution of an action brought under this chapter for the alleged violation of the provisions of this chapter under investigation, unless:

1. Confidentiality is waived by the person upon whom the written investigative demand is made ~~and~~ *or pursuant to section 6 of this act*;

2. Disclosure is authorized by the district court; or

3. Disclosure is made pursuant to NRS 598A.080.

Sec. 133. NRS 599B.090 is hereby amended to read as follows:

599B.090 1. An applicant for registration as a seller must submit to the Division, in such form as it prescribes, a written application for registration. The application must:

(a) Set forth the name of the applicant, including each name under which he intends to do business;

(b) Set forth the name of any parent or affiliated entity that:

(1) Will engage in a business or other transaction with the consumer relating to any sale or donation solicited by the applicant; or

(2) Accepts responsibility for any statement or act of the applicant relating to any sale or donation solicited by the applicant;

(c) Set forth the complete street address of each location, designating the principal location, from which the applicant will be doing business;

(d) Contain a list of all telephone numbers to be used by the applicant, with the address where each telephone using these numbers will be located;

(e) Set forth the name and address of each:

(1) Principal officer, director, trustee, shareholder, owner or partner of the applicant, and of each other person responsible for the management of the business of the applicant;

(2) Person responsible for a location from which the applicant will do business; and

(3) Salesman to be employed by or otherwise associated with the applicant;

(f) Be accompanied by a copy of any:

(1) Script, outline or presentation the applicant will require a salesman to use when soliciting or, if no such document is used, a statement to that effect;

(2) Sales or donation information or literature to be provided by the applicant to a salesman, or of which the applicant will inform the salesman; and

(3) Sales or donation information or literature to be provided by the applicant to a consumer in connection with any solicitation;

(g) If the applicant is a corporation, be signed by an officer of the corporation; and

(h) If the applicant is a natural person, be completed personally by the applicant.

2. Any material submitted pursuant to paragraph (f) of subsection 1 is submitted for the records of the Division and not for the approval of the Division.

3. The information provided pursuant to paragraph (f) of subsection 1 by an applicant for registration as a seller is confidential and may only be released to a law enforcement agency, to a court of competent jurisdiction, ~~for~~ by order of a court of competent jurisdiction ~~[-]~~ or pursuant to section 6 of this act.

4. If the applicant is other than a natural person, or if any parent or affiliated entity is identified pursuant to paragraph (b) of subsection 1, the applicant must, for itself and any such entity, identify its place of organization and:

(a) In the case of a partnership, provide a copy of any written partnership agreement; or

(b) In the case of a corporation, provide a copy of its articles of incorporation and bylaws.

5. An application filed pursuant to this section must be verified and accompanied by:

(a) A bond, letter of credit or certificate of deposit satisfying the requirements of NRS 599B.100;

(b) A fee for registration in the amount of \$6,000;

(c) If subsection 6 applies, the additional bond, letter of credit or certificate of deposit and the additional fee required by that subsection; and

(d) A copy of:



(1) The work card issued to the seller pursuant to subsection 1 of NRS 599B.115, if the seller is required to obtain a work card; and

(2) The work cards of any other persons associated with the seller who are required to obtain work cards pursuant to subsection 2 of NRS 599B.115.

6. If an applicant intends to do business under any assumed or fictitious name, he must, for each such name:

(a) File an additional bond, letter of credit or certificate of deposit satisfying the requirements of NRS 599B.100; and

(b) Pay an additional fee for registration in the amount of \$6,000.

Sec. 134. NRS 603.070 is hereby amended to read as follows:

603.070 ~~[-A-]~~ *Except as otherwise provided in section 6 of this act, a governmental agency which obtains a proprietary program or the data stored in a computer must keep the program or data confidential. The governmental agency may only use the program or data for the purpose for which it was obtained, and may not release the program or data without the prior written consent of the owner.*

Sec. 135. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section ~~[-]~~ *and section 6 of this act, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.*

2. Any claimant or his legal representative is entitled to information from the records of the Division, to the extent necessary for the proper presentation of his claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➡ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that he furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. He may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or 617 of NRS during the preceding month and request that he compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to chapter 612 of NRS for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under chapter 612 of NRS and under chapters 616A to 616D, inclusive, or 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 136. NRS 616B.012 is hereby amended to read as follows:

616B.012 1. Except as otherwise provided in this section and ~~in~~ NRS 616B.015, 616B.021 and 616C.205 ~~and~~ *and section 6 of this act*, information obtained from any insurer, employer or employee is confidential

and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or his legal representative is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

3. The Division and Administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The Administrator may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of laws relating to industrial insurance, unemployment compensation, public assistance or labor law and industrial relations;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➔ Information obtained in connection with the administration of a program of industrial insurance may be made available to persons or agencies for purposes appropriate to the operation of a program of industrial insurance.

4. Upon written request made by a public officer of a local government, an insurer shall furnish from its records the name, address and place of employment of any person listed in its records. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to the local government. The insurer may charge a reasonable fee for the cost of providing the requested information.

5. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit to the Administrator a written request for the name, address and place of employment of any person listed in the records of an insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the Administrator shall instruct the insurer to furnish the information requested. Upon receipt of such an instruction, the insurer shall furnish the information requested. The insurer may charge a reasonable fee to cover any related administrative expenses.

6. Upon request by the Department of Taxation, the Administrator shall provide:

(a) Lists containing the names and addresses of employers; and

(b) Other information concerning employers collected and maintained by the Administrator or the Division to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS,

➔ to the Department for its use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a reasonable fee to cover any related administrative expenses.

7. Any person who, in violation of this section, discloses information obtained from files of claimants or policyholders or obtains a list of claimants or policyholders under chapters 616A to 616D, inclusive, or chapter 617 of NRS and uses or permits the use of the list for any political purposes, is guilty of a gross misdemeanor.

8. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

9. The provisions of this section do not prohibit the Administrator or the Division from disclosing any nonproprietary information relating to an uninsured employer or proof of industrial insurance.

Sec. 137. NRS 616B.015 is hereby amended to read as follows:

616B.015 1. Except as otherwise provided in subsection 2 ~~and~~ *and section 6 of this act*, the records and files of the Division concerning self-insured employers and associations of self-insured public or private employers are confidential and may be revealed in whole or in part only in the course of the administration of the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS relating to those employers or upon the lawful order of a court of competent jurisdiction.

2. The records and files specified in subsection 1 are not confidential in the following cases:

(a) Testimony by an officer or agent of the Division and the production of records and files on behalf of the Division in any action or proceeding conducted pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if that testimony or the records and files, or the facts shown thereby, are involved in the action or proceeding.

(b) Delivery to a self-insured employer or an association of self-insured public or private employers of a copy of any document filed by the employer with the Division pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

(c) Publication of statistics if classified so as to prevent:

(1) Identification of a particular employer or document; or

(2) Disclosure of the financial or business condition of a particular employer or insurer.

(d) Disclosure in confidence, without further distribution or disclosure to any other person, to:

(1) The Governor or his agent in the exercise of the Governor's general supervisory powers;

(2) Any person authorized to audit the accounts of the Division in pursuance of an audit;

(3) The Attorney General or other legal representative of the State in connection with an action or proceeding conducted pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(4) Any agency of this or any other state charged with the administration or enforcement of the laws relating to workers' compensation or unemployment compensation; or

(5) Any federal, state or local law enforcement agency.

(e) Disclosure in confidence by a person who receives information pursuant to paragraph (d) to a person in furtherance of the administration or enforcement of the laws relating to workers' compensation or unemployment compensation.

3. As used in this section:

(a) "Division" means the Division of Insurance of the Department of Business and Industry.

(b) "Records and files" means:

(1) All credit reports, references, investigative records, financial information and data pertaining to the net worth of a self-insured employer or association of self-insured public or private employers; and

(2) All information and data required by the Division to be furnished to it pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS or which may be otherwise obtained relative to the finances, earnings, revenue, trade secrets or the financial condition of any self-insured employer or association of self-insured public or private employers.

Sec. 138. NRS 616B.315 is hereby amended to read as follows:

616B.315 A self-insured employer shall notify the Commissioner not less than 60 days before any change in ownership or control of the employer. The certification of the self-insured employer terminates automatically on the date of the change unless the Commissioner extends the certification. Except as otherwise provided in NRS 616B.015, the Commissioner, upon request, may declare as confidential any documents which are submitted in support of a request for such an extension. *Documents declared confidential pursuant to this section are subject to the provisions of section 6 of this act.*

Sec. 139. NRS 616B.350 is hereby amended to read as follows:

616B.350 1. A group of five or more employers may not act as an association of self-insured public employers unless the group:

(a) Is composed of employers engaged in the same or similar classifications of employment; and

(b) Has been issued a certificate to act as such an association by the Commissioner.

2. A group of five or more employers may not act as an association of self-insured private employers unless each member of the group:

(a) Is a member or associate member of a bona fide trade association, as determined by the Commissioner, which:

(1) Is incorporated in this State; and

(2) Has been in existence for at least 5 years; and

(b) Has been issued a certificate to act as such an association by the Commissioner.

3. An association of public or private employers that wishes to be issued a certificate must file with the Commissioner an application for certification.

4. The application must include:

(a) The name of the association.

(b) The address of:

(1) The principal office of the association.

(2) The location where the books and records of the association will be maintained.

(c) The date the association was organized.

(d) The name and address of each member of the association.

(e) The names of the initial members of the board of trustees and the name of the initial association's administrator.

(f) Such other information as the Commissioner may require.

5. The application must be accompanied by:

(a) A nonrefundable filing fee of \$1,000.

(b) Proof of compliance with NRS 616B.353.

(c) Proof that the association or its third-party administrator is licensed or otherwise authorized to conduct business in this State pursuant to title 57 of NRS.

(d) A copy of the agreements entered into with the association's administrator and a third-party administrator.

(e) A copy of the bylaws of the association.

(f) A copy of an agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due pursuant to chapters 616A to 617, inclusive, of NRS.

(g) A pro forma financial statement prepared by an independent certified public accountant in accordance with generally accepted accounting principles that shows the financial ability of the association to pay all compensation due pursuant to chapters 616A to 617, inclusive, of NRS.

(h) A reviewed financial statement prepared by an independent certified public accountant for each proposed member of the association or evidence of the ability of the association or its proposed members to provide a solvency bond pursuant to subsection 3 of NRS 616B.353.

(i) Proof that each member of the association will make the initial payment to the association required pursuant to NRS 616B.416 on a date

specified by the Commissioner. The payment shall be deemed to be a part of the assessment required to be paid by each member for the first year of self-insurance if certification is issued to the association.

6. ~~Any~~ Except as otherwise provided in section 6 of this act, any financial information relating to a member of an association received by the Commissioner pursuant to the provisions of this section is confidential and must not be disclosed.

7. For the purposes of this section, "associate member of a bona fide trade association" means a supplier whose business, as determined by the Commissioner:

- (a) Is limited to a specific industry; and
- (b) Primarily involves providing a product or service that is directly used or consumed by substantially all of the members of the trade association or bears a direct relationship to the business of the members of the association.

Sec. 140. NRS 618.341 is hereby amended to read as follows:

618.341 1. Except as otherwise provided in this section, the public may inspect all records of the Division which contain information regarding:

- (a) An oral or written complaint filed by an employee or a representative of employees alleging the existence of an imminent danger or a violation of a safety or health standard that threatens physical harm;
- (b) The manner in which the Division acted on any such complaint;
- (c) Any citation issued by the Division to an employer and the reason for its issuance; and
- (d) Any penalty imposed by the Division on an employer and the reason therefor.

2. The Division shall, upon oral or written request and payment of any applicable charges, provide to any person a copy of any record of the Division which is open to public inspection pursuant to subsection 1. The first six pages reproduced pursuant to each such request must be provided without charge. The charge for each additional page copied must not exceed the cost of reproduction.

3. Except as otherwise provided in subsection 4 ~~and~~ and section 6 of this act, the Division shall keep confidential:

- (a) The name of any employee who filed any complaint against an employer or who made any statement to the Division concerning an employer; and
- (b) Any information which is part of a current investigation by the Division, but the fact that an investigation is being conducted is public information.

➡ As used in this subsection, "current investigation" means any investigation conducted before the issuance of a citation or notice of violation or, if no citation or notice of violation is issued, an investigation which is not closed.

4. The Division shall, upon the receipt of a written request from a law enforcement agency, disclose otherwise confidential information to that law



enforcement agency for the limited purpose of pursuing a criminal investigation.

Sec. 141. NRS 618.425 is hereby amended to read as follows:

618.425 1. Any employee, representative of employees, provider of health care or governmental officer or employee whose primary duty is to ensure public safety, including a building inspector, building official or other similar authority, believing that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an investigation by giving notice, orally or in writing, to the Administrator or his representative of the violation or danger.

2. The person giving the notice must state with reasonable particularity the grounds for the notice. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the* name of any employee giving a complaint notice or names of employees mentioned in the complaint must be held confidential. If the complaint is given orally, the Division shall send to the complainant a form upon which he may supplement his oral complaint. His failure to return the form does not affect the Division's duty to act pursuant to this section.

3. If upon receipt of the notification the Division determines that there are reasonable grounds to believe that a violation or imminent danger exists, it shall make a special investigation within 14 days unless there is a substantial probability that death or serious physical harm could result from the violation or danger, then the investigation must be made immediately after the Administrator receives the notice to determine whether a violation or imminent danger exists. The Division need not investigate a complaint within the times required by this subsection if, from the facts stated in the complaint, the Administrator determines that the complaint is intended solely to harass the employer. If the Division determines that there are no reasonable grounds to believe that a violation or imminent danger exists, it shall notify the employees or other person who gave the notice of such determination within 14 days after the Administrator receives the notice.

Sec. 142. NRS 623.131 is hereby amended to read as follows:

623.131 1. Except as otherwise provided in this section ~~[ ]~~ *and section 6 of this act*, the records of the Board which relate to an employee of the Board or an examination given by the Board are confidential.

2. The records described in this section may be disclosed, pursuant to procedures established by regulation of the Board, to a court or an agency of the Federal Government, any state, any political subdivision of this State or any other related professional board or organization.

3. Except as otherwise provided in this section ~~[ ]~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The Board may report to other related professional boards and organizations an applicant's score on an examination given by the Board.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 143. NRS 623A.353 is hereby amended to read as follows:

623A.353 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a record of the Board that relates to an employee of the Board or an examination administered by the Board is confidential.

2. The records described in this section may be disclosed, pursuant to procedures established by regulation of the Board, to:

- (a) A court;
- (b) An agency of the Federal Government;
- (c) Another state;
- (d) A political subdivision of this State; or
- (e) Any other related professional board or organization.

3. The Board may report to any other related professional board and organization the score of an applicant on an examination administered by the Board.

4. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 144. NRS 624.110 is hereby amended to read as follows:

624.110 1. The Board may maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter, but it shall maintain one office in which there must be at all times open to public

inspection a complete record of applications, licenses issued, licenses renewed and all revocations, cancellations and suspensions of licenses.

2. Except as otherwise required in NRS 624.327 ~~[ ]~~ and section 6 of this act, credit reports, references, financial information and data pertaining to a licensee's net worth are confidential and not open to public inspection.

Sec. 145. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor and each officer, director, partner and associate thereof must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, or any officer, director, partner or associate thereof, has:

(a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;

(b) A bad reputation for honesty and integrity;

(c) Entered a plea of nolo contendere or guilty to, been found guilty of or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or

(d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, and any officer, director, partner or associate of the applicant, must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of his fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. ~~[The]~~ Except as otherwise provided in section 6 of this act, the Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

(a) Arrests;

(b) Guilty pleas;

(c) Sentencing;

- (d) Probation;
- (e) Parole;
- (f) Bail;
- (g) Complaints; and
- (h) Final dispositions,

→ for the investigation of a licensee or an applicant for a contractor's license.

Sec. 146. NRS 624.327 is hereby amended to read as follows:

624.327 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 147. NRS 625.425 is hereby amended to read as follows:

625.425 1. ~~Any~~ *Except as otherwise provided in section 6 of this act*, any information obtained during the course of an investigation by the Board and any record of an investigation is confidential. If no disciplinary action is taken against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern, or no civil penalty is imposed pursuant to NRS 625.590, the information in his investigative file remains confidential.

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

3. The provisions of this section do not prohibit the Board or its employees from communicating and cooperating with another licensing board or any other agency that is investigating a person.

Sec. 148. NRS 625A.185 is hereby amended to read as follows:

625A.185 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 149. NRS 628.418 is hereby amended to read as follows:

628.418 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 150. NRS 630.30665 is hereby amended to read as follows:

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

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

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

(2) Outside of this State; and

(b) Reporting the occurrence of any sentinel event arising from any such surgery.

2. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.

3. The Board shall:

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

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

4. ~~Except as otherwise provided in section 6 of this act~~, a report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

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

6. As used in this section:

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

(b) "Deep sedation" means a controlled state of depressed consciousness, produced by a pharmacologic or nonpharmacologic method, or a

combination thereof, and accompanied by a partial loss of protective reflexes and the inability to respond purposefully to verbal commands.

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

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

Sec. 151. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the following may be kept confidential:*

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 ~~[and]~~ *and section 6 of this act*, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

6. This section does not prevent or prohibit the Board from communicating or cooperating with any other licensing board or agency or

any agency which is investigating a licensee, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 152. NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 153. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

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

3. The Board may provide any record or information described in subsection 1 to any other licensing board or agency or any agency which is investigating a person licensed pursuant to this chapter, including a law enforcement agency.

Sec. 154. NRS 632.125 is hereby amended to read as follows:

632.125 1. Each hospital or agency in the State employing professional or practical nurses or nursing assistants shall submit a list of such nursing personnel to the Board at least three times annually as directed by the Board. ~~Each~~ *Except as otherwise provided in section 6 of this act, each* list submitted to the Board pursuant to this subsection is confidential.

2. A medical facility shall, before hiring a nursing assistant or nursing assistant trainee, obtain validation from the Board that the prospective employee has a current certificate, is enrolled in a training program required for certification or is awaiting the results of a certification examination.

Sec. 155. NRS 632.405 is hereby amended to read as follows:

632.405 1. Except as otherwise provided in this section ~~†~~ and *section 6 of this act*, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

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

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

Sec. 156. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician licensed under this chapter.

2. Except as otherwise provided in this section ~~†~~ and *section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 157. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license issued pursuant to this chapter to submit annually to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report:

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

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

(2) Outside of this State; and

(b) Reporting the occurrence of any sentinel event arising from any such surgery.



2. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action.

3. The Board shall:

(a) Collect and maintain reports received pursuant to subsection 1; and  
(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access.

4. ~~[A]~~ *Except as otherwise provided in section 6 of this act*, a report received pursuant to subsection 1 is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

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

6. As used in this section:

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

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

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

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

Sec. 158. NRS 634.212 is hereby amended to read as follows:

634.212 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in NRS 634.214, the records must be open to public inspection at all reasonable times and must contain the name, known place of business and residence, and the date and number of the license of every chiropractor licensed under this chapter. The Board may keep such other records as it deems desirable.

2. Except as otherwise provided in this subsection ~~[3]~~ *and section 6 of this act*, all information pertaining to the personal background, medical

history or financial affairs of an applicant or licensee which the Board requires to be furnished to it under this chapter, or which it otherwise obtains, is confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or upon the order of a court of competent jurisdiction. The Board may, under procedures established by regulation, permit the disclosure of this information to any agent of the Federal Government, of another state or of any political subdivision of this State who is authorized to receive it.

3. Notice of the disclosure and the contents of the information disclosed pursuant to subsection 2 must be given to the applicant or licensee who is the subject of that information.

Sec. 159. NRS 634.214 is hereby amended to read as follows:

634.214 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who is licensed pursuant to the provisions of this chapter.

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

Sec. 160. NRS 634A.185 is hereby amended to read as follows:

634A.185 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 161. NRS 635.158 is hereby amended to read as follows:

635.158 1. Except as otherwise provided in this section ~~§~~ and *section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 162. NRS 636.107 is hereby amended to read as follows:

636.107 1. Except as otherwise provided in this section ~~§~~ and *section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 163. NRS 637.085 is hereby amended to read as follows:

637.085 1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.

2. Except as otherwise provided in this section ~~§~~ and *section 6 of this act*, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

(b) Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

(d) Any other information or records in the possession of the Board.

3. Except as otherwise provided in this section ~~§~~ and *section 6 of this act*, a complaint filed with the Board, all documents and other information

filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 164. NRS 637A.315 is hereby amended to read as follows:

637A.315 1. Except as otherwise provided in this section ~~and~~ *section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 165. NRS 637B.288 is hereby amended to read as follows:

637B.288 1. Except as otherwise provided in this section ~~and~~ *section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other

information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 166. NRS 638.087 is hereby amended to read as follows:

638.087 1. The Board shall keep a record of:

- (a) All charges filed against a licensee;
- (b) The proceedings of any formal hearing conducted by the Board or a hearing officer;
- (c) Any order filed by the Board; and
- (d) All licenses issued by the Board including the name of the holder of the license, his business address, the date the license was issued and the number of the license.

2. Except as otherwise provided in this section, the records of the Board listed in subsection 1 must be open to the public at reasonable times and places.

3. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 167. NRS 638.089 is hereby amended to read as follows:

638.089 1. Except as provided in this section ~~and~~ *and section 6 of this act*, all information received by the Board concerning an applicant for a license or a licensee, including the results of an investigation, is confidential.

2. If the Board takes disciplinary action against an applicant or licensee, the complaint and the action taken are no longer required to be confidential.

3. If the Board conducts any proceeding other than a disciplinary action regarding an applicant or licensee, its statement of findings and any order issued relating thereto are no longer required to be confidential.

4. Information concerning an applicant or a licensee may be disclosed, pursuant to procedures established by regulation of the Board, to a court or an agency of the Federal Government, any state or any political subdivision of this State. Notice of the disclosure and the contents of the information

must be given to the applicant or licensee within 3 business days before the disclosure.

Sec. 168. NRS 639.2485 is hereby amended to read as follows:

639.2485 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

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

3. The Board may disclose to a practitioner and a law enforcement agency information concerning a person who procures or attempts to procure any dangerous drug or controlled substance in violation of NRS 453.391 or 454.311.

4. If the Board receives a request or subpoena for records or information obtained during an investigation by the Board and the records or information is not made public pursuant to subsection 2, the Board shall notify the person regarding whom the investigation was made of the request or subpoena. If that person does not consent in writing to the release of the records or information, the Board may release the records or information only upon the order of a court of competent jurisdiction.

Sec. 169. NRS 640.075 is hereby amended to read as follows:

640.075 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 170. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine

whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 171. NRS 640B.730 is hereby amended to read as follows:

640B.730 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 172. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) Submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that he has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his license to practice massage therapy; and

(II) Disciplinary proceedings relating to his license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320 and except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists.

3. If the Board determines that the examinations being administered pursuant to paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

- (a) Approved by the Commission on Postsecondary Education; or
- (b) Offered by a public college in this State or any other state.

→ The Board may recognize other programs of massage therapy.

5. The Board or its designee shall:

(a) Conduct an investigation to determine:

- (1) The reputation and character of the applicant;
- (2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;



(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) ~~maintain~~ *Except as otherwise provided in section 6 of this act,* maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 173. NRS 640C.760 is hereby amended to read as follows:

640C.760 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act,* a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 174. NRS 641.090 is hereby amended to read as follows:

641.090 1. The Secretary-Treasurer shall make and keep on behalf of the Board:

- (a) A record of all its meetings and proceedings.
- (b) A record of all violations and prosecutions under the provisions of this chapter.
- (c) A record of all examinations of applicants.
- (d) A register of all licenses.
- (e) A register of all holders of licenses.
- (f) An inventory of the property of the Board and of the State in the Board's possession.

2. These records must be kept in the office of the Board and, except as otherwise provided in this section, are subject to public inspection during normal working hours upon reasonable notice.

3. ~~The~~ *Except as otherwise provided in section 6 of this act,* the Board may keep the personnel records of applicants confidential.

4. Except as otherwise provided in this section ~~and~~ *and section 6 of this act,* a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled

as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

5. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

6. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 175. NRS 641A.191 is hereby amended to read as follows:

641A.191 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

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

3. This section does not prohibit the Board from communicating or cooperating with any other licensing board or agency or any agency which is investigating a licensee, including a law enforcement agency.

Sec. 176. NRS 641B.170 is hereby amended to read as follows:

641B.170 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, any records or information received by the Board relating to a licensee or an applicant for a license ~~is~~ *are* confidential.

2. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 177. NRS 641C.760 is hereby amended to read as follows:

641C.760 1. Except as otherwise provided in this section ~~§~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 178. NRS 642.524 is hereby amended to read as follows:

642.524 1. Except as otherwise provided in this section ~~§~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 179. NRS 643.189 is hereby amended to read as follows:

643.189 1. Except as otherwise provided in this section ~~§~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 180. NRS 644.446 is hereby amended to read as follows:

644.446 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 181. NRS 645.625 is hereby amended to read as follows:

645.625 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Division alleging a violation of this chapter, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. A complaint or other document filed with the Commission to initiate disciplinary action and all documents and information considered by the Commission when determining whether to impose discipline are public records.

Sec. 182. NRS 645A.082 is hereby amended to read as follows:

645A.082 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 183. NRS 645B.092 is hereby amended to read as follows:

645B.092 1. Except as otherwise provided in this section ~~[7]~~ and section 6 of this act, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 184. NRS 645C.220 is hereby amended to read as follows:

645C.220 1. The Division shall maintain a record of:

(a) Persons whose applications for a certificate, license or registration card have been denied;

(b) Investigations conducted by it which result in the initiation of formal disciplinary proceedings;

(c) Formal disciplinary proceedings; and

(d) Rulings or decisions upon complaints filed with it.

2. Except as otherwise provided in this section and NRS 645C.225, records kept in the office of the Division pursuant to this chapter are open to the public for inspection pursuant to regulations adopted by the Commission. ~~[The]~~ Except as otherwise provided in section 6 of this act, the Division may keep confidential, unless otherwise ordered by a court:

(a) Examinations for a certificate or license; and

(b) The criminal and financial records of an appraiser or intern, or an applicant for a certificate, license or registration card.

Sec. 185. NRS 645C.225 is hereby amended to read as follows:

645C.225 1. Except as otherwise provided in this section ~~[7]~~ and section 6 of this act, a complaint filed with the Commission, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 186. NRS 645D.130 is hereby amended to read as follows:

645D.130 1. The Division shall maintain a record of:

(a) Persons from whom it receives applications for a certificate;

(b) Investigations conducted by it that result in the initiation of formal disciplinary proceedings;

(c) Formal disciplinary proceedings; and

(d) Rulings or decisions upon complaints filed with it.

2. Except as otherwise provided in this section and NRS 645D.135, records kept in the office of the Division pursuant to this chapter are open to the public for inspection pursuant to regulations adopted by the Division. The Division shall keep confidential, *except as otherwise provided in section 6 of this act* or unless otherwise ordered by a court, the criminal and financial records of an inspector or of an applicant for a certificate.

Sec. 187. NRS 645D.135 is hereby amended to read as follows:

645D.135 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 188. NRS 645E.375 is hereby amended to read as follows:

645E.375 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 189. NRS 648.033 is hereby amended to read as follows:

648.033 1. The Board shall maintain a public record of:

(a) The business it transacts at its regular and special meetings; and  
(b) The applications received by it together with the record of the disposition of each application.

2. ~~Information~~ *Except as otherwise provided in section 6 of this act*, information obtained by the Board from other than public sources concerning the:

(a) Financial condition; or  
(b) Criminal record,

↪ of an applicant or a licensee is confidential and may be revealed only to the extent necessary for the proper administration of the provisions of this chapter.

3. The Board may release information described in subsection 2 to an agency of the Federal Government, of a state or of a political subdivision of this State.

4. The Board shall adopt by regulation a procedure for notifying the applicant or licensee of the release of confidential information pursuant to subsections 2 and 3. The Board shall release information described in

subsection 2 concerning an applicant or licensee to the applicant or licensee upon request.

5. Except as otherwise provided in this section ~~5~~ and section 6 of this act, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

6. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

7. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 190. NRS 649.067 is hereby amended to read as follows:

649.067 1. Except as otherwise provided in this section ~~1~~ and section 6 of this act, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

Sec. 191. NRS 652.228 is hereby amended to read as follows:

652.228 1. Except as otherwise provided in this section ~~1~~ and section 6 of this act, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

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

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 192. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators or administrators of residential facilities for groups. The standards must be designed to ensure

that nursing facility administrators or persons acting as administrators of residential facilities for groups will be persons who are of good character and otherwise suitable, and who, by training or experience in their respective fields of administering health care facilities, are qualified to serve as nursing facility administrators or administrators of residential facilities for groups.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether a person meets those standards.

(c) Issue licenses to persons determined, after the application of appropriate techniques, to meet those standards.

(d) Revoke or suspend licenses previously issued by the Board in any case if the person holding the license is determined substantially to have failed to conform to the requirements of the standards.

(e) Establish and carry out procedures designed to ensure that persons licensed as nursing facility administrators or administrators of residential facilities for groups will, during any period they serve as such, comply with the requirements of the standards.

(f) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any person licensed as a nursing facility administrator or an administrator of a residential facility for groups has failed to comply with the requirements of the standards. The Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint.

(g) Conduct a continuing study of:

(1) Facilities for skilled nursing, facilities for intermediate care and their administrators; and

(2) Residential facilities for groups and their administrators,

↪ with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards.

(h) Conduct or approve, or both, a program of training and instruction designed to enable all persons to obtain the qualifications necessary to meet the standards set by the Board for qualification as a nursing facility administrator or an administrator of a residential facility for groups.

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and



information considered by the Board when determining whether to impose discipline are public records.

5. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 193. NRS 656.105 is hereby amended to read as follows:

656.105 1. Except as otherwise provided in this section ~~and~~ *and section 6 of this act*, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 194. NRS 671.170 is hereby amended to read as follows:

671.170 1. The Commissioner may conduct any necessary investigations and hearings to determine whether any licensee or other person has violated any of the provisions of this chapter or whether any licensee has conducted himself in a manner which requires the suspension, revocation or denial of renewal of his license.

2. In conducting any investigation or hearing pursuant to this chapter, the Commissioner, or any person designated by him, may require the attendance and testimony of any person and compel the production of all relevant books, records, accounts and other documents. The cost of any examination or investigation, not to exceed \$10 an hour, must be borne by the licensee.

3. The Commissioner may require any licensee to submit such reports concerning his business as the Commissioner deems necessary for the enforcement of this chapter.

4. ~~[All]~~ *Except as otherwise provided in section 6 of this act*, all reports of investigations and examinations and other reports rendered pursuant to this section, and all correspondence and memoranda relating to or arising therefrom, including any authenticated copies thereof in the possession of any licensee or the Commissioner, are confidential communications, are not

subject to any subpoena, and must not be made public unless the Commissioner determines that justice and the public advantage will be served by their publication. This subsection does not preclude any party to an administrative or judicial proceeding from introducing into evidence any information or document otherwise available or admissible.

Sec. 195. NRS 673.430 is hereby amended to read as follows:

673.430 1. Each association doing business in this State shall file annually with the Commissioner on or before March 1, a sworn statement in two sections.

2. One section of the annual report must contain, in such form and detail as the Commissioner may prescribe, the following:

(a) The amount of authorized capital by classes and the par value of each class of stock.

(b) A statement of its assets, liabilities and capital accounts as of the immediately preceding December 31.

(c) Any other facts which the Commissioner requires.

➡ This section must be furnished in duplicate, one certified copy to be returned for publication at least two times in a newspaper having a general circulation in each county in which the association maintains an office. Publication must be completed on or before May 1, and proof of publication must be filed in the Office of the Commissioner.

3. One section of the annual report must contain such other information as the Commissioner may require to be furnished. This section need not be published and ~~[must]~~, *except as otherwise provided in section 6 of this act, must* be treated as confidential by the Commissioner.

4. The Commissioner may impose and collect a fee of not more than \$10 for each day the annual report is overdue. The Commissioner shall adopt regulations establishing the amount of the fee that may be imposed pursuant to this subsection. Every association shall pay to the Commissioner for supervision and examination a fee based on the rate established pursuant to NRS 658.101.

5. All sums received by the Commissioner pursuant to this section must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 196. NRS 679B.152 is hereby amended to read as follows:

679B.152 1. Every insurer or organization for dental care which pays claims on the basis of fees for medical or dental care which are "usual and customary" shall submit to the Commissioner a complete description of the method it uses to determine those fees. ~~[This]~~ *Except as otherwise provided in section 6 of this act, this* information must be kept confidential by the Commissioner. The fees determined by the insurer or organization to be the usual and customary fees for that care are subject to the approval of the Commissioner as being the usual and customary fees in that locality. The provisions of this subsection apply to medical or dental care provided to a claimant under any contract of insurance.

2. Any contract for group, blanket or individual health insurance and any contract issued by a nonprofit hospital, medical or dental service corporation or organization for dental care, which provides a plan for dental care to its insureds or members which limits their choice of a dentist, under the plan to those in a preselected group, must offer its insureds or members the option of selecting a plan of benefits which does not restrict the choice of a dentist. The selection of that option does not entitle the insured or member to any increase in contributions by his employer or other organization toward the premium or cost of the optional plan over that contributed under the restricted plan.

Sec. 197. NRS 679B.159 is hereby amended to read as follows:

679B.159 1. Every insurer, agent, solicitor, broker, administrator or other person who has knowledge of a violation of any provision of this Code shall promptly report the facts and circumstances pertaining to the violation to the Commissioner.

2. ~~If~~ *Except as otherwise provided in section 6 of this act, if* a person who submits information pursuant to subsection 1 so requests, the Commissioner shall keep the person's name and the information confidential.

Sec. 198. NRS 679B.190 is hereby amended to read as follows:

679B.190 1. The Commissioner shall carefully preserve in the Division and in permanent form all papers and records relating to the business and transactions of the Division and shall hand them over to his successor in office.

2. Except as otherwise provided in subsections 3 and 5 to 9, inclusive, other provisions of this Code and NRS 616B.015, the papers and records must be open to public inspection.

3. ~~Any~~ *Except as otherwise provided in section 6 of this act, any* records or information in the possession of the Division related to an investigation conducted by the Commissioner ~~is~~ *are* confidential unless:

(a) The Commissioner releases, in the manner that he deems appropriate, all or any part of the records or information for public inspection after determining that the release of the records or information:

(1) Will not harm his investigation or the person who is being investigated; or

(2) Serves the interests of a policyholder, the shareholders of the insurer or the public; or

(b) A court orders the release of the records or information after determining that the production of the records or information will not damage any investigation being conducted by the Commissioner.

4. The Commissioner may destroy unneeded or obsolete records and filings in the Division in accordance with provisions and procedures applicable in general to administrative agencies of this State.

5. The Commissioner may classify as confidential:

(a) Specified records and information obtained from a governmental agency; and

(b) Documents obtained or received from other sources upon the express condition that they remain confidential.

6. All information and documents in the possession of the Division or any of its employees which are related to cases or matters under investigation by the Commissioner or his staff are confidential for the period of the investigation and may not be made public unless the Commissioner finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event he may make a record public or publish all or any part of the record in any manner he deems appropriate.

7. The Commissioner may classify as confidential the records of a consumer or information relating to a consumer to protect the health, welfare or safety of the consumer.

8. In performing his duties, the Commissioner may:

(a) Share documents, materials or other information, including any documents, materials or information classified as confidential, with other state, federal and international regulatory or law enforcement agencies or with the National Association of Insurance Commissioners and its affiliates and subsidiaries if the recipient agrees to maintain the confidentiality and privileged status of the documents, materials or other information.

(b) May receive documents, materials or other information, including any documents, materials or information otherwise confidential and privileged, from other state, federal and international regulatory or law enforcement agencies or from the National Association of Insurance Commissioners and its affiliates and subsidiaries, and shall maintain as confidential or privileged any document, material or information received with notice or the understanding that it is confidential or privileged under the law of the jurisdiction from which it was received.

(c) Enter into agreements, consistent with this subsection, governing the sharing and use of information.

9. No waiver of confidentiality or privilege with respect to any document, material or information occurs as a result of disclosure to the Commissioner under this section or of sharing as authorized under this chapter.

Sec. 199. NRS 679B.285 is hereby amended to read as follows:

679B.285 1. The Commissioner may disclose the content of a report, preliminary report, or the results of an examination, or any matter relating thereto, to the Division or any agency of any other state or country that regulates insurance, or to law enforcement officers of this or any other state, or to an agency of the Federal Government at any time, if the agency or office receiving the report or matter relating thereto agrees in writing to hold it confidential in a manner consistent with this chapter. Access may also be granted to the National Association of Insurance Commissioners.

2. All working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the Commissioner or any other person in the course of an examination made under this chapter are confidential, are not subject to subpoena, and may not be made public by the Commissioner or any other person, except as necessary for a hearing or as provided in this section and subsection 4 of NRS 679B.282 ~~[-]~~ and section 6 of this act. A person to whom information is given must agree in writing before receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the insurer to which it pertains has been obtained.

Sec. 200. NRS 679B.690 is hereby amended to read as follows:

679B.690 1. ~~[A-H]~~ Except as otherwise provided in section 6 of this act, all records and other information related to an investigation conducted by the Attorney General and the Fraud Control Unit for the prosecution of insurance fraud are confidential unless:

(a) The Attorney General releases, in such manner as he deems appropriate, all or any part of the records or information for public inspection after determining that the release of the records or information:

(1) Will not harm the investigation or the person who is being investigated; or

(2) Serves the interests of a policyholder, the shareholders of the insurer or the public; or

(b) A court orders the release of the records or information after determining that the production of the records or information will not damage any investigation being conducted by the Fraud Control Unit.

2. The Attorney General may classify as confidential specific records and other information if the records or other information was obtained from a governmental agency or other source upon the express condition that the contents would remain confidential.

3. All information and documents in the possession of the Attorney General and the Fraud Control Unit that are related to cases or matters under investigation are confidential for the duration of the investigation and may not be made public unless the Attorney General finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event he may make a record public or publish all or any part of the record in any manner he deems appropriate.

Sec. 201. NRS 680A.270 is hereby amended to read as follows:

680A.270 1. Each authorized insurer shall annually on or before March 1, or within any reasonable extension of time therefor which the Commissioner for good cause may have granted on or before that date, file with the Commissioner a full and true statement of its financial condition, transactions and affairs as of December 31 preceding. The statement must be:

(a) In the general form and context of, and require information as called for by, an annual statement as is currently in general and customary use in the United States for the type of insurer and kinds of insurance to be reported upon, with any useful or necessary modification or adaptation thereof, supplemented by additional information required by the Commissioner;

(b) Prepared in accordance with:

(1) The Annual Statement Instructions for the type of insurer to be reported on as adopted by the National Association of Insurance Commissioners for the year in which the insurer files the statement; and

(2) The Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners and effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(c) Verified by the oath of the insurer's president or vice president and secretary or actuary, as applicable, or, in the absence of the foregoing, by two other principal officers, or if a reciprocal insurer, by the oath of the attorney-in-fact, or its like officers if a corporation.

2. The statement of an alien insurer must be verified by its United States manager or other officer who is authorized to do so, and may relate only to the insurer's transactions and affairs in the United States unless the Commissioner requires otherwise. If the Commissioner requires a statement as to the insurer's affairs throughout the world, the insurer shall file the statement with the Commissioner as soon as reasonably possible.

3. The Commissioner may refuse to continue, or may suspend or revoke, the certificate of authority of any insurer failing to file its annual statement when due.

4. At the time of filing, the insurer shall pay the fee for filing its annual statement as prescribed by NRS 680B.010.

5. The Commissioner may adopt regulations requiring each domestic, foreign and alien insurer which is authorized to transact insurance in this state to file the insurer's annual statement with the National Association of Insurance Commissioners or its successor organization.

6. ~~[(A)]~~ *Except as otherwise provided in section 6 of this act, all ratios of financial analyses and synopses of examinations concerning insurers that are submitted to the Division by the National Association of Insurance Commissioners' Insurance Regulatory Information System are confidential and may not be disclosed by the Division.*

Sec. 202. NRS 681A.440 is hereby amended to read as follows:

681A.440 1. The Commissioner may refuse to issue a license to act as an intermediary if, in his judgment:

(a) The applicant, anyone named on the application, or any member, principal, officer or director of the applicant, is not trustworthy to act as an intermediary;

(b) Any controlling person of the applicant is not trustworthy to act as an intermediary;

(c) The applicant, a person named on the application, any member, principal, officer or director of the applicant or any controlling person of the applicant has given cause for the revocation or suspension of a license to act as an intermediary; or

(d) The applicant, a person named on the application, any member, principal, officer or director of the applicant or any controlling person of the applicant has failed to comply with any prerequisite for the issuance of a license to act as an intermediary.

2. Upon receipt of a written request, the Commissioner shall furnish a summary of the basis for his refusal to issue a license to act as an intermediary. ~~{The}~~ *Except as otherwise provided in section 6 of this act, the summary is confidential.*

Sec. 203. NRS 681B.260 is hereby amended to read as follows:

681B.260 1. Except as otherwise provided in this section ~~{,}~~ *and section 6 of this act*, an opinion, and any other material provided by an insurer to the Commissioner in connection therewith, must be kept confidential by the Commissioner, is not open to the public, and is not subject to subpoena, except for the purpose of defending an action seeking damages from any person by reason of any action required by NRS 681B.200 to 681B.260, inclusive, or by regulation adopted under those sections.

2. A memorandum or other material may be released by the Commissioner with the written consent of the insurer or to the American Academy of Actuaries or its successor organization upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the Commissioner for preserving the confidentiality of the memorandum or other material.

3. If any portion of a confidential memorandum is cited by the insurer in its marketing or is cited before any governmental agency other than a state commissioner of insurance or is released by an insurer to the public, all portions of the memorandum are no longer confidential.

Sec. 204. NRS 681B.280 is hereby amended to read as follows:

681B.280 Each insurer shall report to the Commissioner every material acquisition or disposition of assets within 15 days after the end of the month in which the transaction occurs. The Commissioner shall define by regulation what transactions are material, prescribe what information must be reported and specify any person to whom a copy must be sent. ~~{Such}~~ *Except as otherwise provided in section 6 of this act, such a report is confidential and is not subject to subpoena.*

Sec. 205. NRS 683A.0873 is hereby amended to read as follows:

683A.0873 1. Each administrator shall maintain at his principal office adequate books and records of all transactions between himself, the insurer and the insured. The books and records must be maintained in accordance with prudent standards of recordkeeping for insurance and with regulations of the Commissioner for a period of 5 years after the transaction to which

they respectively relate. After the 5-year period, the administrator may remove the books and records from the State, store their contents on microfilm or return them to the appropriate insurer.

2. The Commissioner may examine, audit and inspect books and records maintained by an administrator under the provisions of this section to carry out the provisions of NRS 679B.230 to 679B.300, inclusive.

3. The names and addresses of insured persons and any other material which is in the books and records of an administrator are confidential except *as otherwise provided in section 6 of this act and except* when used in proceedings against the administrator.

4. The insurer may inspect and examine all books and records to the extent necessary to fulfill all contractual obligations to insured persons, subject to restrictions in the written agreement between the insurer and administrator.

Sec. 206. NRS 686A.289 is hereby amended to read as follows:

686A.289 1. Any insurer giving information to the Attorney General, the Commissioner or any investigative or law enforcement agency concerning an act or omission alleged to be insurance fraud is entitled to receive, upon completion of the investigation or prosecution of the insurance fraud, whichever occurs later, any relevant information concerning the fraudulent activity.

2. The Attorney General, the Commissioner or any investigative or law enforcement agency receiving information from another person, agency or insurer shall:

(a) Keep the information confidential and not release the information except pursuant to subsection 1 ~~to~~ *and section 6 of this act*;

(b) Provide information concerning its investigation of the insurance fraud to the insurer reporting the fraudulent activity upon the completion of its investigation or a criminal prosecution, whichever occurs later; and

(c) Provide any documents necessary or allow its employees or agents to testify in any action by or against the insurer if the insurer or its insured furnished the information for the investigation or a criminal prosecution.

Sec. 207. NRS 687A.115 is hereby amended to read as follows:

687A.115 To aid in the detection and prevention of insurer insolvencies:

1. The Commissioner may:

(a) Notify the insurance commissioners of the other states and territories of the United States and of the District of Columbia when he revokes or suspends a license, or when he makes any formal order that a company restrict its writing of insurance, obtain additional contributions to surplus, withdraw from the state or reinsure any part of its business or any other account for the security of policyholders or creditors.

(b) Report to the Board of Directors any action set forth in paragraph (a) and the receipt of a report from another insurance commissioner indicating that the action has been taken elsewhere. The report shall contain all significant details of the action taken or the report received.



(c) Report to the Board of Directors when he has reasonable cause to believe from any examination of any member insurer, whether completed or in process, that the member insurer may be insolvent or in a financial condition hazardous to the interests of policyholders or the public.

(d) Furnish to the Board of Directors the early warning tests developed by the National Association of Insurance Commissioners. The Board may use the information furnished to carry out its duties. ~~[The]~~ *Except as otherwise provided in section 6 of this act, the report and the information contained therein is not a public record and shall be kept confidential by the Board of Directors until it is made public by the Commissioner or other lawful authority.*

2. The Commissioner may seek the advice and recommendations of the Board of Directors concerning any matter affecting his duties and responsibilities relating to the financial condition of member insurers and of insurers seeking admission to transact business in this state.

Sec. 208. NRS 688C.480 is hereby amended to read as follows:

688C.480 1. ~~[A]~~ *Except as otherwise provided in section 6 of this act, a document or information furnished pursuant to NRS 688C.470 or obtained by the Commissioner in an investigation of an actual or suspected violation of NRS 688C.450 is confidential and privileged, is not a public record and is not subject to discovery or subpoena in a civil action or criminal prosecution.*

2. Subsection 1 does not prohibit the Commissioner from disclosing documents or evidence so furnished or obtained:

(a) In an administrative or judicial proceeding to enforce a statute administered by him;

(b) To another federal, state or local law enforcement or regulatory officer, another person involved in the prevention or detection of violations of NRS 688C.450, or similar offenses, or the National Association of Insurance Commissioners; or

(c) To a person engaged in the business of viatical settlements who is aggrieved by the violation.

3. Disclosure of a document or evidence under subsection 2 does not abrogate or modify the privilege covering it under subsection 1.

Sec. 209. NRS 688C.490 is hereby amended to read as follows:

688C.490 1. Each licensee under this chapter shall establish and maintain protective measures against fraud which are reasonably calculated to prevent, detect and assist in the prosecution of violations of NRS 688C.450. The Commissioner may order, or a licensee may request and the Commissioner may approve, modifications of the measures otherwise required under this section, more or less restrictive than those measures, as necessary to protect against fraud. Required measures are employment of or contracting with investigators and submission of a plan to the Commissioner which includes:

(a) A description of the procedures for detecting and investigating possible violations of NRS 688C.450 and for resolving inconsistencies between medical records and applications for insurance;

(b) A description of the procedures for reporting possible violations to the Commissioner;

(c) A description of the plan for educating and training underwriters and other personnel against fraud; and

(d) A description or chart of the organizational arrangement of the personnel responsible for detecting and investigating possible violations of NRS 688C.450 and for resolving inconsistencies between medical records and applications for insurance.

2. ~~{A}~~ *Except as otherwise provided in section 6 of this act, a plan submitted to the Commissioner pursuant to subsection 1 is privileged and confidential, not a public record and not subject to discovery or subpoena in a civil action or criminal prosecution.*

Sec. 210. NRS 692A.117 is hereby amended to read as follows:

692A.117 1. The Commissioner shall classify as confidential the financial statements of a title agent, escrow officer and title insurer and those records and information obtained by the Division which:

(a) Are obtained from a governmental agency upon the express condition that they remain confidential.

(b) Consist of information compiled by the Division in the investigation of possible violations of this chapter. This paragraph does not limit examination by the Legislative Auditor or any other person pursuant to a court order.

2. ~~{The}~~ *Except as otherwise provided in section 6 of this act, the contents of the file for an escrow are confidential and, subject to the rights to discover the contents by subpoena or other lawful process, must not be disclosed without the express written consent of one party of the escrow other than the holder of the escrow.*

Sec. 211. NRS 692C.420 is hereby amended to read as follows:

692C.420 1. ~~{All}~~ *Except as otherwise provided in section 6 of this act, all information, documents and copies thereof obtained by or disclosed to the Commissioner or any other person in the course of an examination or investigation made pursuant to NRS 692C.410, and all information reported pursuant to NRS 692C.260 to 692C.350, inclusive, must be given confidential treatment and is not subject to subpoena and must not be made public by the Commissioner or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which it pertains unless the Commissioner, after giving the insurer and its affiliates who would be affected thereby notice and an opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he may publish all or any part thereof in any manner as he may deem appropriate.*

2. The Commissioner or any person who receives any documents, materials or other information while acting under the authority of the

Commissioner must not be permitted or required to testify in a private civil action concerning any information, document or copy thereof specified in subsection 1.

3. The Commissioner may share or receive any information, document or copy thereof specified in subsection 1 in accordance with NRS 679B.122. The sharing or receipt of the information, document or copy pursuant to this subsection does not waive any applicable privilege or claim of confidentiality in the information, document or copy.

Sec. 212. NRS 693A.480 is hereby amended to read as follows:

693A.480 1. Except as otherwise provided in subsection 2 ~~and~~ *and section 6 of this act*, all information and documents obtained by or disclosed to the Commissioner or any other person in the course of preparing, filing and processing an application of a converting mutual, other than information and documents distributed to policyholders in connection with the meeting of policyholders pursuant to NRS 693A.460 or filed or submitted as evidence in connection with the public hearing pursuant to NRS 693A.450, are confidential and not subject to subpoena, and must not be made public by the Commissioner, the National Association of Insurance Commissioners or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which such information and documents pertain.

2. If the Commissioner, after giving the insurer and its affiliates who would be affected notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be best served by the publication of such information and documents, the Commissioner may publish all or any part thereof in such a manner as he determines appropriate.

Sec. 213. NRS 693A.615 is hereby amended to read as follows:

693A.615 1. Except as otherwise provided in subsection 2 ~~and~~ *and section 6 of this act*, all information and documents obtained by or disclosed to the Commissioner or any other person in the course of preparing, filing and processing an application to reorganize pursuant to NRS 693A.580, other than information and documents distributed to policyholders in connection with the meeting of policyholders pursuant to NRS 693A.595 or filed or submitted as evidence in connection with the public hearing pursuant to NRS 693A.585, are confidential and not subject to subpoena, and must not be made public by the Commissioner, the National Association of Insurance Commissioners or any other person, except to insurance departments of other states, without the prior written consent of the insurer to which such information and documents pertain.

2. If the Commissioner, after giving the insurer and its affiliates who would be affected notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be best served by the publication of such information and documents, the Commissioner may publish all or any part thereof in such a manner as he determines appropriate.

Sec. 214. NRS 696B.550 is hereby amended to read as follows:

696B.550 1. The Commissioner shall hold all hearings in summary proceedings privately unless the insurer requests a public hearing, in which case the hearing must be public.

2. The court may hold all hearings in summary proceedings and judicial reviews thereof privately in chambers, and shall do so on request of the insurer proceeded against.

3. In all summary proceedings and judicial reviews thereof, all records of the insurer, other documents and all Division files and court records and papers, so far as they pertain to or are part of the record of the summary proceedings, are confidential *except as otherwise provided in section 6 of this act* and except as necessary to obtain compliance therewith, unless the court after hearing arguments by the parties in chambers, orders otherwise, or unless the insurer requests that the matter be made public. Until the court otherwise orders, all papers filed with the clerk of the court must be held by him in a confidential file.

4. If at any time it appears to the court that any person whose interest is or will be substantially affected by an order did not appear at the hearing and has not been served, the court may order that notice be given and the proceedings be adjourned to give the person an opportunity to appear, on such terms as may be reasonable and just.

Sec. 215. NRS 704B.320 is hereby amended to read as follows:

704B.320 1. For eligible customers whose loads are in the service territory of an electric utility that primarily serves densely populated counties, the aggregate amount of energy that all such eligible customers purchase from providers of new electric resources before July 1, 2003, must not exceed 50 percent of the difference between the existing supply of energy generated in this State that is available to the electric utility and the existing demand for energy in this State that is consumed by the customers of the electric utility, as determined by the Commission.

2. An eligible customer that is a nongovernmental commercial or industrial end-use customer whose load is in the service territory of an electric utility that primarily serves densely populated counties shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless, as part of the proposed transaction, the eligible customer agrees to:

(a) Contract with the provider to purchase:

(1) An additional amount of energy which is equal to 10 percent of the total amount of energy that the eligible customer is purchasing for its own use under the proposed transaction and which is purchased at the same price, terms and conditions as the energy purchased by the eligible customer for its own use; and

(2) The capacity and ancillary services associated with the additional amount of energy at the same price, terms and conditions as the capacity and ancillary services purchased by the eligible customer for its own use; and

(b) Offers to assign the rights to the contract to the electric utility for use by the remaining customers of the electric utility.

3. If an eligible customer is subject to the provisions of subsection 2, the eligible customer shall include with its application filed pursuant to NRS 704B.310 all information concerning the contract offered to the electric utility that is necessary for the Commission to determine whether it is in the best interest of the remaining customers of the electric utility for the electric utility to accept the rights to the contract. Such information must include, without limitation, the amount of the energy and capacity to be purchased under the contract, the price of the energy, capacity and ancillary services and the duration of the contract.

4. Notwithstanding any specific statute to the contrary, information concerning the price of the energy, capacity and ancillary services and any other terms or conditions of the contract that the Commission determines are commercially sensitive:

(a) Must not be disclosed by the Commission except to the Regulatory Operations Staff of the Commission, the Consumer's Advocate and his staff and the electric utility for the purposes of carrying out the provisions of this section; and

(b) ~~Shall~~ *Except as otherwise provided in section 6 of this act, shall* be deemed to be confidential for all other purposes, and the Commission shall take such actions as are necessary to protect the confidentiality of such information.

5. If the Commission determines that the contract:

(a) Is not in the best interest of the remaining customers of the electric utility, the electric utility shall not accept the rights to the contract, and the eligible customer is entitled to all rights to the contract.

(b) Is in the best interest of the remaining customers of the electric utility, the electric utility shall accept the rights to the contract and the eligible customer shall assign all rights to the contract to the electric utility. A contract that is assigned to the electric utility pursuant to this paragraph shall be deemed to be an approved part of the resource plan of the electric utility and a prudent investment, and the electric utility may recover all costs for the energy, capacity and ancillary services acquired pursuant to the contract. To the extent practicable, the Commission shall take actions to ensure that the electric utility uses the energy, capacity and ancillary services acquired pursuant to each such contract only for the benefit of the remaining customers of the electric utility that are not eligible customers, with a preference for the remaining customers of the electric utility that are residential customers with small loads.

6. The provisions of this section do not exempt the electric utility, in whole or in part, from the requirements imposed on the electric utility pursuant to NRS 704.7801 to 704.7828, inclusive, to comply with its portfolio standard. The Commission shall not take any actions pursuant to this section that conflict with or diminish those requirements.

Sec. 216. NRS 704B.325 is hereby amended to read as follows:

704B.325 1. An eligible customer that is purchasing energy, capacity or ancillary services from a provider of new electric resources may purchase energy, capacity or ancillary services from an alternative provider without obtaining the approval of the Commission if the terms and conditions of the transaction with the alternative provider, other than the price of the energy, capacity or ancillary services, conform to the terms and conditions of the transaction that was originally approved by the Commission with respect to the eligible customer.

2. If any terms and conditions of the transaction with the alternative provider, other than the price of the energy, capacity or ancillary services, do not conform to the terms and conditions of the transaction that was originally approved by the Commission with respect to the eligible customer, the eligible customer must obtain approval from the Commission before those nonconforming terms and conditions are enforceable.

3. If the eligible customer files a request with the Commission for approval of any nonconforming terms and conditions, the Commission shall review and make a determination concerning the request on an expedited basis.

4. Notwithstanding any specific statute to the contrary, information concerning any terms and conditions of the transaction with the alternative provider that the Commission determines are commercially sensitive:

(a) Must not be disclosed by the Commission except to the Regulatory Operations Staff of the Commission, the Consumer's Advocate and his staff and the affected electric utility for the purposes of carrying out the provisions of this section; and

(b) ~~Shall~~ *Except as otherwise provided in section 6 of this act, shall* be deemed to be confidential for all other purposes, and the Commission shall take such actions as are necessary to protect the confidentiality of such information.

Sec. 217. NRS 710.159 is hereby amended to read as follows:

710.159 1. If, at the primary, general or special election, it is shown that a majority of the ballots cast favors the sale or lease of the telephone system, the board of county commissioners shall contract with a reputable and qualified expert in rural telecommunications to appraise the value of the telephone system. ~~The~~ *Except as otherwise provided in section 6 of this act, the appraisal is confidential and must not be disclosed before the completion of the sale or lease of the telephone system.*

2. Upon the return of the appraisal, the board of county commissioners shall advertise the sale or lease, for a term of years agreed upon by the board, of the telephone system by notice published at least once a week for 5 consecutive weeks by five weekly insertions a week apart in a newspaper published within the county and having a general circulation therein. After publication of the first such notice, the board or its authorized representatives may enter into negotiations for the sale or lease of the telephone system. If

the notice is for the sale of the telephone system, the board shall not accept a sum less than the amount of the appraisal of the telephone system. If the notice is for the lease of the telephone system, the board shall not accept a sum less than an amount to realize not less than 7 percent per annum upon the value of the telephone system as so appraised. If the telephone system is leased, the board shall safeguard the county's interest by demanding a bond for the faithful performance of the covenants contained in the lease. The board may reject any and all offers made for such a sale or lease.

Sec. 218. 1. Except as otherwise provided in this subsection, for the purposes of section 6 of this act, a person may apply to a district court on or after October 1, 2007, for an order directing a governmental entity to allow the person to inspect or copy a public book or record, or a part thereof, if the public book or record has been in the legal custody or control of a governmental entity for a period of 30 years or more on the date of the application. A person may apply to the district court on or after October 1, 2007, for an order directing a governmental entity to allow the person to inspect or copy a public book or record that pertains to a natural person if, on the date of the application, the public book or record has been in the legal custody or control of a governmental entity for a period of 30 years or more or the natural person has died, whichever is later.

2. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 239.005, as amended by section 7 of this act.

Senator Raggio moved the adoption of the amendment.

Remarks by Senators Care and Raggio.

Senator Raggio moved to withdraw the motion to adopt Amendment No. 1049 to Senate Bill No. 123.

Motion carried.

Senator Raggio moved that Senate Bill No. 123 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assembly Bill No. 579.

Bill read third time.

Roll call on Assembly Bill No. 579:

YEAS—21.

NAYS—None.

Assembly Bill No. 579 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS RECEDE FROM SENATE AMENDMENTS

Senator Cegavske moved that the Senate do not recede from its action on Assembly Bill No. 142, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Cegavske.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Raggio, Beers and Cegavske as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 142.

RECEDE FROM SENATE AMENDMENTS

Senator Townsend moved that the Senate do not recede from its action on Assembly Bill No. 178, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Hardy, Carlton and Townsend as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 178.

RECEDE FROM SENATE AMENDMENTS

Senator Townsend moved that the Senate do not recede from its action on Assembly Bill No. 304, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Hardy, Schneider and Townsend as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 304.

RECEDE FROM SENATE AMENDMENTS

Senator Cegavske moved that the Senate do not recede from its action on Assembly Bill No. 335, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Cegavske.

Motion carried.

Bill ordered transmitted to the Assembly.



## APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Beers, Raggio and Cegavske as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 335.

## RECEDE FROM SENATE AMENDMENTS

Senator Townsend moved that the Senate do not recede from its action on Assembly Bill No. 396, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Hardy, Schneider and Heck as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 396.

## RECEDE FROM SENATE AMENDMENTS

Senator Townsend moved that the Senate do not recede from its action on Assembly Bill No. 424, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Heck, Carlton and Hardy as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 424.

## RECEDE FROM SENATE AMENDMENTS

Senator Townsend moved that the Senate do not recede from its action on Assembly Bill No. 496, that a conference be requested, and that Mr. President appoint a first Conference Committee consisting of three members to meet with a like committee of the Assembly.

Remarks by Senator Townsend.

Motion carried.

Bill ordered transmitted to the Assembly.

## APPOINTMENT OF CONFERENCE COMMITTEES

President Krolicki appointed Senators Heck, Carlton and Hardy as a first Conference Committee to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 496.

## CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 288.

The following Assembly amendment was read:

Amendment No. 980.

"SUMMARY—Makes various changes concerning fire protection districts. (BDR 42-944)"

"AN ACT relating to fire protection districts; requiring the board of directors of a fire protection district created by an election to cooperate with the State Forester Firewarden and certain other agencies to prevent and suppress fires in wild lands; authorizing such a board of directors to appoint a district fire chief; providing that the activities of a fire protection district created by an election are separate from county activities and any other political subdivision in this State; authorizing a board of fire commissioners to provide emergency medical services within a fire protection district ~~for~~ under certain circumstances; requiring title to all property acquired by a fire protection district organized by a board of county commissioners to vest in the district; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for the organization of fire protection districts by an ordinance adopted by a board of county commissioners or by the approval of the voters of a proposed fire protection district. (Chapter 474 of NRS) Under existing law, a fire protection district approved by the voters may include contiguous territory from more than one county. (NRS 474.010) Section 9 of this bill provides that such a fire protection district may ~~only consist of~~ include incorporated territory within a ~~single county and eliminates the requirement that the territory be contiguous~~ consolidated municipality, provided that such territory is not included in any other fire protection district. Section 9 also removes the exclusion that had prohibited such a fire protection district from including timberland patrolled by the United States Forest Service. Sections 2-8 and 15-18 of this bill borrow various existing provisions that are applicable to a fire protection district organized by a board of county commissioners and make them applicable to a fire protection district approved by the voters. ~~Sections 10-14 and 19 of this bill remove references to a fire protection district that includes territory in more than one county.~~ Sections 20, 21, 22 and 24 of this bill borrow various existing provisions that are applicable to a fire protection district approved by the voters and make them applicable to a fire protection district organized by a board of county commissioners. Section 25 of this bill restricts existing procedures for the reorganization of a fire protection district to apply only to a fire protection district organized by a board of county commissioners.

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

Section 1. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. 1. *A county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act, upon its formation:*

(a) *Is a political subdivision of this State; and*

(b) *Has perpetual existence unless dissolved as provided in this chapter.*

2. *Each such district may:*

(a) *Sue and be sued, and be a party to suits, actions and proceedings;*

(b) *Arbitrate claims; and*

(c) *Contract and be contracted with.*

Sec. 3. *The board of directors of a county fire protection district shall cooperate with the State Forester Firewarden and other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.200 for that purpose to cooperating agencies, or may receive contributions from other agencies to be spent for that purpose.*

Sec. 4. 1. *The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies.*

2. *In lieu of or in addition to the provisions of subsection 1, the board of directors may ~~for~~*

~~(a) Provide~~ *provide fire protection to the county fire protection district by entering into agreements with other agencies as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district. ~~for~~*

~~(b) Support, direct or integrate volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.~~

Sec. 5. *The activities of a county fire protection district are separate from county activities and any other political subdivision in this State.*

Sec. 6. ~~The~~ *Except as otherwise provided in subsection 2, the board of fire commissioners of a district organized pursuant to NRS 474.460 may:*

~~1.1~~ (a) *Provide emergency medical services within the district; and*

~~2.2~~ (b) *Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances if necessary, and may take out liability and other insurance therefor. The board of fire commissioners may employ trained personnel to operate those vehicles.*

2. *The provisions of this section do not allow the board of fire commissioners of a district organized pursuant to NRS 474.460 to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.*

Sec. 7. *All accounts, bills and demands against a district organized pursuant to NRS 474.460 must be audited, allowed and paid by the board of fire commissioners by warrants drawn on the county treasurer or the treasurer of the district. The county treasurer or, if authorized by the board of county commissioners and the board of fire commissioners, the treasurer of the district shall pay them in the order in which they are presented.*

Sec. 8. *The title to all property which may have been acquired for a district organized pursuant to NRS 474.460 must be vested in the district.*

Sec. 9. NRS 474.010 is hereby amended to read as follows:

474.010 Contiguous unincorporated ~~Unincorporated~~ territory lying within one or more counties ~~a county~~ or incorporated territory lying within a consolidated municipality and not included in any other fire protection district ~~[- and not including timberland patrolled by the United States Forest Service or in accordance with the rules and regulations of the United States Forest Service.]~~ may be formed into a county fire protection district in the manner and under the proceedings set forth in NRS 474.010 to 474.450, inclusive ~~[-], and sections 2 to 5, inclusive, of this act.~~

Sec. 10. NRS 474.020 is hereby amended to read as follows:

474.020 1. When 25 percent or more of the holders of title or evidence of title to lands lying in one body, whose names appear as such upon the last county assessment roll, ~~shall~~ present a petition to the board of county commissioners of the county in which the land or the greater portion thereof ~~lies,~~ is located, setting forth the exterior boundaries of the proposed district and asking that the district so described be formed into a county fire protection district under the provisions of NRS 474.010 to 474.450, inclusive, *and sections 2 to 5, inclusive, of this act*, the board of county commissioners shall pass a resolution declaring the board's intention to form or organize such territory into a county fire protection district, naming the district and describing its exterior boundaries.

2. The resolution ~~shall~~ *must*:

(a) Fix a time and place for the hearing of the matter not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish the notice of intention of the board of county commissioners to form ~~such~~ *the* county fire protection district, and of the time and place fixed for the hearing, and ~~shall~~ *must* designate that publication ~~shall~~ *must* be in ~~some~~ *a* newspaper of general circulation published in the county and circulated in the proposed county fire protection district, or if there is no newspaper so published and circulated, then in ~~some~~ *a* newspaper of general circulation circulated in the proposed district.

Sec. 11. NRS 474.030 is hereby amended to read as follows:

474.030 The notice ~~shall~~ *must*:

1. Be headed "Notice of the proposed formation of fire protection district in ..... County ~~[" (stating) ]~~ *," stating* the name of the proposed

district and the name of the county ~~or, if there be is more than one~~ ~~the name of the counties~~ in which the proposed district is located. ~~or~~ ["

2. State the fact that the board of county commissioners ~~of the county~~ has fixed the time and place ~~[(which shall) which must be stated in the notice]~~ ~~for~~ for a hearing on the matter of the formation of a county fire protection district ~~and must set forth the time and place of that hearing.~~

3. Describe the territory or ~~shall~~ specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which boundaries, so far as practicable, ~~shall~~ must be the centerlines of highways.

4. Be published once a week for 2 successive weeks ~~prior to~~ before the time fixed for the hearing in the newspaper designated by the board of county commissioners.

Sec. 12. NRS 474.080 is hereby amended to read as follows:

474.080 1. The board of county commissioners shall submit the question of whether the proposed district shall be organized pursuant to the provisions of NRS 474.010 to 474.450, inclusive, *and sections 2 to 5, inclusive, of this act* to the electors of the proposed district at the next primary or general election.

2. The notice must:

(a) Designate a name for the proposed district.

(b) Describe the boundaries of the precincts established therein, ~~when~~ if more than one, together with a designation of the polling places and board of election for each precinct.

(c) Be published once a week for at least 3 weeks ~~previous to~~ before the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county *or counties* in which the ~~petition for the organization of the district was presented~~ *proposed district is located.*

(d) Require the electors to cast ballots, which must contain the words: "..... County fire protection district—Yes," or "..... County fire protection district—No," or words equivalent thereto, and also the names of one or more persons, ~~to~~ according to the division of the proposed district as prayed for in the petition and ordered by the board ~~to~~ to be voted for to fill the office of director.

Sec. 13. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding ~~such~~ the election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast ~~thereat~~ at the election.

2. If upon such canvass it appears that a majority of all votes cast in the district, ~~and in each portion of the counties included in the district~~ ~~in case~~ *if lands in more than one county are included therein*, ~~are~~ are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory ~~[duly]~~ organized as a county fire protection district under the name theretofore designated; and

(b) The persons receiving, respectively, the highest number of votes for the directors to be ~~[duly]~~ elected to ~~[such]~~ those offices.

Sec. 14. NRS 474.120 is hereby amended to read as follows:

474.120 1. The board *of county commissioners* shall then cause a copy of such order, ~~[duly]~~ certified by the clerk of the board, ~~[of county commissioners]~~ to be immediately filed for record in the office of the county recorder of ~~[any]~~ each county in which any portion of the lands ~~[embraced in such]~~ included in the district are ~~[situated]~~ located, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each ~~[of such counties]~~.

~~2. ~~[No]~~ such county.~~

2. The board of county commissioners ~~[of the county]~~ shall ~~[,]~~ *not*, after the date of the organization of the district, allow another fire protection district to be formed ~~[, including any portion of such lands,]~~ *within the district* without the consent of the owners thereof.

3. From and after such filing, the organization of the district ~~[shall be]~~ *is* complete.

Sec. 15. NRS 474.160 is hereby amended to read as follows:

474.160 The board of directors shall:

1. Manage and conduct the business and affairs of the district.

2. ~~[Make]~~ *Adopt* and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➡ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning ~~[such]~~ those substances, materials or devices that is required by the Federal Government and has been adopted by ~~[a]~~ the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.

4. Make and execute in the name of the district all necessary contracts.

5. Adopt a seal for the district to be used in the attestation of proper documents.

6. Provide for the payment from the proper fund of *the salaries of employees of the district* and all the debts and just claims against the district.

7. Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

8. Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.

9. Construct any necessary structures.

10. Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.

11. Eliminate and remove fire hazards within the district ~~[wherever]~~ if practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

12. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive ~~[ ]~~, and sections 2 to 5, inclusive, of this act.

Sec. 16. NRS 474.180 is hereby amended to read as follows:

474.180 ~~[The]~~ Except as otherwise provided in subsection 2, the board of directors may ~~[purchase,]~~ :

~~[1.]~~ (a) *Provide emergency medical services within the district; and*

~~[2.]~~ (b) *Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances whenever necessary, and may take out liability and other insurance therefor. The board of directors may employ trained personnel to operate ~~[these]~~ those vehicles.*

2. The provisions of this section do not allow the board of directors to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.

Sec. 17. NRS 474.190 is hereby amended to read as follows:

474.190 1. Subject to the provisions of subsection ~~[2,]~~ 3, the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

2. *The budget must be based on estimates of the amount of money that will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.*

3. The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities ~~[shall]~~ must not in any 1 year exceed 1 percent of the ~~[assessable property within the district]~~.

~~3. In determining the tax to be levied to raise the amount of money required by such budget within such limitation, the board of county commissioners shall prorate 80 percent of the amount of the tax upon the assessed value of improvements and personal property upon each parcel of land and 20 percent upon the assessed value of each parcel of land, if upon~~

~~the formation of the district a provision for such procedure was included in the notice to create the district approved by the property owners, or if a petition requesting such procedure, signed by not less than a majority of the property owners within the district, is presented to the board prior to January 20.] assessed value of the property described in NRS 474.200 and any net proceeds of minerals derived from within the boundaries of the district.~~

Sec. 18. NRS 474.200 is hereby amended to read as follows:

474.200 1. At the time of making the levy of county taxes for that year, the ~~boards~~ board of county commissioners shall levy the tax ~~[certified]~~ established pursuant to NRS 474.190 upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes. *Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.*

3. When the tax is collected it must be placed in the treasury of the county in which the greater portion of the county fire protection district is located, to the credit of the ~~[current expense fund of the district, and may be used only for the purpose for which it was raised.] [county fire protection]~~ district. *The treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of the district must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.*

4. For the purposes of subsection 3, an emergency includes, without limitation, any event that:

(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;

(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and



(c) *Requires the district to provide money to obtain a matching grant from a state agency or an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.*

Sec. 19. NRS 474.300 is hereby amended to read as follows:

474.300 1. In any county fire protection district availing itself of the privileges of this section and NRS 474.220 and 474.310, the board of directors of ~~[such]~~ the district annually shall determine the tax necessary for the payment of interest and principal of such bonds.

2. The amount of the tax ~~[shall]~~ must be certified to the ~~boards~~ ~~[board]~~ of county commissioners of the counties in which any portion of the district is located, and ~~[such]~~ the board of county commissioners shall, at the time of making the levy of county taxes for that year, levy the tax certified upon all the real property, together with the improvements thereon, in the district.

3. When levied, the tax ~~[shall]~~ must be entered on the assessment rolls and collected in the same manner as state and county taxes.

4. When the tax is collected it ~~[shall]~~ must be placed in the treasury of the county in which the greater portion of the district is located in a special fund for the payment of principal and interest of the bonds. Payments therefrom ~~[shall]~~ must be made according to the terms of the bonds.

Sec. 20. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county *or consolidated municipality* not included in any other fire protection district, except incorporated areas ~~[,]~~ *other than consolidated municipalities*, may be organized by ordinance by the board of county commissioners of the county in which ~~[such]~~ that territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as ~~[such]~~ that territory may be included in another fire protection district formed in accordance with the provisions of chapter 473 of NRS, or NRS 474.010 to 474.450, inclusive ~~[,]~~ *and sections 2 to 5, inclusive, of this act.*

2. Each such district ~~[shall]~~:

~~(a) Be a body corporate and politic;~~

~~(b) Be~~ :

~~(a)~~ Is a political subdivision of the State; and

~~[(c) Have]~~

~~(b)~~ Has perpetual existence unless dissolved as provided in this chapter.

3. Each such district may:

~~(a) [Have and use a corporate seal;~~

~~(b)]~~ Sue and be sued, and be a party to suits, actions and proceedings;

~~[(c)]~~ (b) Arbitrate claims; and

~~[(d)]~~ (c) Contract and be contracted with.

4. The board of county commissioners ~~[of the county]~~ organizing each such district ~~[shall]~~ is ex officio ~~[be]~~ the governing body of each such district. The governing body ~~[shall]~~ must be known as the board of fire commissioners.

5. The chairman of the board of county commissioners ~~[shall]~~ *is* ex officio ~~[be]~~ *the* chairman of each such district.

6. The county clerk ~~[shall]~~ *is* ex officio ~~[be]~~ *the* clerk of each such district.

7. ~~[The]~~ *Unless the board of fire commissioners employs a treasurer, the* county treasurer ~~[shall]~~ *is* ex officio ~~[be]~~ *the* treasurer of each such district.

Sec. 21. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. ~~[Promulgate]~~ *Adopt and enforce all rules and regulations necessary for the administration and government of the districts and for the furnishing of fire protection ~~[ ]~~ thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:*

*(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and*

*(b) Hazardous conditions relating to the use or occupancy of any premises.*

*➡ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.*

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of ~~[such]~~ *those* fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the ~~[same when]~~ *property if* no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, ~~[either]~~ *by* donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts ~~[wherever]~~ *if* practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~[ ]~~ , *and sections 6, 7 and 8 of this act.*

Sec. 21.5. NRS 474.480 is hereby amended to read as follows:

474.480 1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden to coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.

2. Through inspection, ~~[and recommendation,]~~ the State Forester Firewarden ~~[shall standardize the]~~ *may recommend standardization of* fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.

Sec. 22. NRS 474.490 is hereby amended to read as follows:

474.490 The board of fire commissioners shall cooperate with *the State Forester Firewarden and* other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.510 for ~~[such]~~ *that* purpose to cooperating agencies, or may receive contributions from other agencies to be spent for ~~[such]~~ *that* purpose.

Sec. 23. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may ~~be~~

~~(a) Provide~~ *provide* the fire protection required by NRS 474.460 to 474.540, inclusive, *and sections 6, 7 and 8 of this act* to the districts by entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts. ~~[or~~

~~(b) Support, direct or integrate volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, and sections 6, 7 and 8 of this act for the furnishing of such protection to the districts.]~~

Sec. 24. NRS 474.510 is hereby amended to read as follows:

474.510 1. The board of fire commissioners shall prepare ~~{a}~~ *an annual budget in accordance with the provisions of NRS 354.470 to 354.626, inclusive, for each district organized in accordance with NRS 474.460 . ~~{~~ estimating~~}~~*

2. *Each budget must be based on estimates of the amount of money which will be needed to defray the expenses of the district and to meet unforeseen ~~{fire emergencies, and to determine}~~ emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.*

~~{2.}~~ 3. At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 1, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

~~{3.}~~ 4. The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection ~~{2}~~ 3 and any net proceeds of minerals derived from within the boundaries of the district.

~~{4.}~~ 5. If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483 , and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

~~{5.}~~ 6. For the purposes of NRS 474.460 to 474.550, inclusive, *and sections 6, 7 and 8 of this act*, the ~~{county}~~ treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district ~~{fire}~~ emergency fund. The ~~{sums}~~ money collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district fire protection operating fund, and the ~~{sums}~~ money collected to meet unforeseen emergencies must be deposited in the district ~~{fire}~~ emergency fund. The district ~~{fire}~~ emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district ~~{fire}~~ emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district ~~{fire}~~ emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.

7. *For the purposes of subsection 6, an emergency includes, without limitation, any event that:*

*(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;*

*(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and*

*(c) Requires the district to provide money to obtain a matching grant from an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.*

Sec. 25. NRS 474.560 is hereby amended to read as follows:

474.560 1. A fire protection district organized pursuant to ~~[this chapter]~~ NRS 474.460 may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. ~~[Such]~~ The reorganization may be initiated by:

(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that ~~[such]~~ the reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district ~~[shall]~~ must be assumed or taken over by the reorganized district.

Sec. 26. (Deleted by amendment.)

Sec. 27. This act becomes effective on July 1, 2007.

Amendment No. 1012.

"SUMMARY—Makes various changes concerning fire protection districts. (BDR 42-944)"

"AN ACT relating to fire protection districts; requiring the board of directors of a fire protection district created by an election to cooperate with the State Forester Firewarden and certain other agencies to prevent and suppress fires in wild lands; authorizing such a board of directors to appoint a district fire chief; providing that the activities of a fire protection district created by an election are separate from county activities and any other political subdivision in this State; authorizing a board of fire commissioners to provide emergency medical services within a fire protection district; ~~[under certain circumstances];~~ requiring title to all property acquired by a fire protection district organized by a board of county commissioners to vest in the district; and providing other matters properly relating thereto."

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territory within a consolidated municipality, provided that such territory is not included in any other fire protection district. Section 9 also removes the exclusion that had prohibited such a fire protection district from including timberland patrolled by the United States Forest Service. Sections 2-8 and 15-18 of this bill borrow various existing provisions that are applicable to a fire protection district organized by a board of county commissioners and make them applicable to a fire protection district approved by the voters. Section 8.5 of this bill clarifies that certain persons and entities may not operate an ambulance in an area for which an exclusive franchise for ambulance service has been granted. Sections 20, 21, 22 and 24 of this bill borrow various existing provisions that are applicable to a fire protection district approved by the voters and make them applicable to a fire protection district organized by a board of county commissioners. Section 25 of this bill restricts existing procedures for the reorganization of a fire protection district to apply only to a fire protection district organized by a board of county commissioners.

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

Section 1. Chapter 474 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~18~~ 8.5, inclusive, of this act.

Sec. 2. 1. *A county fire protection district organized pursuant to NRS 474.010 to 474.450, inclusive, and sections 2 to 5, inclusive, of this act, upon its formation:*

- (a) Is a political subdivision of this State; and*
- (b) Has perpetual existence unless dissolved as provided in this chapter.*

2. *Each such district may:*

- (a) Sue and be sued, and be a party to suits, actions and proceedings;*
- (b) Arbitrate claims; and*
- (c) Contract and be contracted with.*

Sec. 3. *The board of directors of a county fire protection district shall cooperate with the State Forester Firewarden and other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.200 for that purpose to cooperating agencies, or may receive contributions from other agencies to be spent for that purpose.*

Sec. 4. 1. *The board of directors of a county fire protection district may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the district and perform such other duties as may be designated by the board of directors. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other fire protection agencies.*

2. In lieu of or in addition to the provisions of subsection 1, the board of directors may ~~provide~~ :

(a) Provide fire protection to the county fire protection district by entering into agreements with other agencies as provided by NRS 277.180 and 472.060 to 472.090, inclusive, for the furnishing of such protection to the district ~~and~~ ; or

(b) Support volunteer fire departments within the county fire protection district for the furnishing of such protection to the district.

Sec. 5. The activities of a county fire protection district are separate from county activities and any other political subdivision in this State.

Sec. 6. ~~1. Except as otherwise provided in subsection 2, the~~ The board of fire commissioners of a district organized pursuant to NRS 474.460 may:

~~(a)~~ 1. Provide emergency medical services within the district; and

~~(b)~~ 2. Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances if necessary, and may take out liability and other insurance therefor. The board of fire commissioners may employ trained personnel to operate those vehicles.

~~2. The provisions of this section do not allow the board of fire commissioners of a district organized pursuant to NRS 474.460 to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.~~

Sec. 7. All accounts, bills and demands against a district organized pursuant to NRS 474.460 must be audited, allowed and paid by the board of fire commissioners by warrants drawn on the county treasurer or the treasurer of the district. The county treasurer or, if authorized by the board of county commissioners and the board of fire commissioners, the treasurer of the district shall pay them in the order in which they are presented.

Sec. 8. The title to all property which may have been acquired for a district organized pursuant to NRS 474.460 must be vested in the district.

Sec. 8.5. Nothing in this chapter authorizes any person, firm, corporation, association, government, governmental agency or political subdivision of a government to operate an ambulance in any area for which an exclusive franchise for ambulance service has been granted:

1. By a county, city or town pursuant to NRS 244.187, 268.081 or 269.128, as applicable; or

2. By another person or governmental entity authorized to do so on behalf of the county, city or town.

Sec. 9. NRS 474.010 is hereby amended to read as follows:

474.010 Contiguous unincorporated territory lying within one or more counties ~~or incorporated territory lying within a consolidated municipality~~ and not included in any other fire protection district ~~and not including timberland patrolled by the United States Forest Service or in accordance~~

~~with the rules and regulations of the United States Forest Service,~~] may be formed into a county fire protection district in the manner and under the proceedings set forth in NRS 474.010 to 474.450, inclusive ~~[ ]~~ , *and sections 2 to 5, inclusive, of this act.*

Sec. 10. NRS 474.020 is hereby amended to read as follows:

474.020 1. When 25 percent or more of the holders of title or evidence of title to lands lying in one body, whose names appear as such upon the last county assessment roll, ~~[shall]~~ present a petition to the board of county commissioners of the county in which the land or the greater portion thereof ~~[lies,]~~ *is located*, setting forth the exterior boundaries of the proposed district and asking that the district so described be formed into a county fire protection district under the provisions of NRS 474.010 to 474.450, inclusive, *and sections 2 to 5, inclusive, of this act*, the board of county commissioners shall pass a resolution declaring the board's intention to form or organize such territory into a county fire protection district, naming the district and describing its exterior boundaries.

2. The resolution ~~[shall:]~~ *must*:

(a) Fix a time and place for the hearing of the matter not less than 30 days after its adoption.

(b) Direct the clerk of the board of county commissioners to publish the notice of intention of the board of county commissioners to form ~~[such]~~ *the* county fire protection district, and of the time and place fixed for the hearing, and ~~[shall]~~ *must* designate that publication ~~[shall]~~ *must* be in ~~[some]~~ *a* newspaper of general circulation published in the county and circulated in the proposed county fire protection district, or if there is no newspaper so published and circulated , then in ~~[some]~~ *a* newspaper of general circulation circulated in the proposed district.

Sec. 11. NRS 474.030 is hereby amended to read as follows:

474.030 The notice ~~[shall:]~~ *must*:

1. Be headed "Notice of the proposed formation of fire protection district in ..... County " ~~[(stating)]~~ , " *stating* the name of the proposed district and the name of the county or, if there ~~[be]~~ *is* more than one ~~[ ]~~ *county*, the name of the counties in which the proposed district is located . ~~[ ]~~ ."

2. State the fact that the board of county commissioners ~~[of the county]~~ has fixed the time and place ~~[(which shall be stated in the notice)]~~ for a hearing on the matter of the formation of a county fire protection district ~~[ ]~~ , *and must set forth the time and place of that hearing.*

3. Describe the territory or ~~[shall]~~ specify the exterior boundaries of the territory proposed to be organized into a fire protection district, which boundaries, so far as practicable, ~~[shall]~~ *must* be the centerlines of highways.

4. Be published once a week for 2 successive weeks ~~[prior to]~~ *before* the time fixed for the hearing in the newspaper designated by the board of county commissioners.

Sec. 12. NRS 474.080 is hereby amended to read as follows:



474.080 1. The board of county commissioners shall submit the question of whether the proposed district shall be organized pursuant to the provisions of NRS 474.010 to 474.450, inclusive, *and sections 2 to 5, inclusive, of this act* to the electors of the proposed district at the next primary or general election.

2. The notice must:

(a) Designate a name for the proposed district.

(b) Describe the boundaries of the precincts established therein, ~~when~~ *if* more than one, together with a designation of the polling places and board of election for each precinct.

(c) Be published once a week for at least 3 weeks ~~previous to~~ *before* the election in a newspaper published or circulated within the boundaries of the proposed district and published within the county *or counties* in which the ~~petition for the organization of the district was presented~~ *proposed district is located*.

(d) Require the electors to cast ballots, which must contain the words: "..... County fire protection district—Yes," or "..... County fire protection district—No," or words equivalent thereto, and also the names of one or more persons, ~~to~~ according to the division of the proposed district as prayed for in the petition and ordered by the board, ~~to~~ to be voted for to fill the office of director.

Sec. 13. NRS 474.110 is hereby amended to read as follows:

474.110 1. The election having been held, the board of county commissioners shall, on the first Monday succeeding ~~such~~ *the* election, if then in session, or at its next succeeding general or special session, proceed to canvass the votes cast ~~thereat~~ *at the election*.

2. If upon such canvass it appears that a majority of all votes cast in the district, ~~to~~ and in each portion of the counties included in the district ~~in case~~ *if* lands in more than one county are included therein, ~~to~~ are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare:

(a) Such territory ~~duly~~ organized as a county fire protection district under the name theretofore designated; and

(b) The persons receiving, respectively, the highest number of votes for the directors to be ~~duly~~ elected to ~~such~~ *those* offices.

Sec. 14. NRS 474.120 is hereby amended to read as follows:

474.120 1. The board *of county commissioners* shall then cause a copy of such order, ~~duly~~ certified by the clerk of the board, ~~of county commissioners,~~ to be immediately filed for record in the office of the county recorder of ~~any~~ *each* county in which any portion of the lands ~~embraced in such~~ *included in the* district are ~~situated~~ *located*, and must also immediately forward a copy thereof to the clerk of the board of county commissioners of each ~~of such counties~~.

2. ~~No~~ *such county*.

2. *The board of county commissioners* ~~[of the county]~~ shall ~~[,]~~ *not*, after the date of the organization of the district, allow another fire protection district to be formed ~~[, including any portion of such lands,]~~ *within the district* without the consent of the owners thereof.

3. From and after such filing, the organization of the district ~~[shall be]~~ *is* complete.

Sec. 15. NRS 474.160 is hereby amended to read as follows:

474.160 The board of directors shall:

1. Manage and conduct the business and affairs of the district.

2. ~~[Make]~~ *Adopt* and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➔ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning ~~[such]~~ *those* substances, materials or devices that is required by the Federal Government and has been adopted by ~~[a]~~ *the* board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.

4. Make and execute in the name of the district all necessary contracts.

5. Adopt a seal for the district to be used in the attestation of proper documents.

6. Provide for the payment from the proper fund of *the salaries of employees of the district and* all the debts and just claims against the district.

7. Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

8. Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.

9. Construct any necessary structures.

10. Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.

11. Eliminate and remove fire hazards within the district ~~[wherever]~~ *if* practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

12. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive ~~[ ]~~ , and sections 2 to 5, inclusive, of this act.

Sec. 16. NRS 474.180 is hereby amended to read as follows:

474.180 ~~The~~

~~[1. Except as otherwise provided in subsection 2, the]~~ board of directors may ~~[purchase,]~~ :

~~[(a)]~~ 1. *Provide emergency medical services within the district; and*

~~[(b)]~~ 2. *Purchase, acquire by donation or otherwise, lease, operate and maintain ambulances whenever necessary, and may take out liability and other insurance therefor. The board of directors may employ trained personnel to operate [these] those vehicles.*

~~[ 2. The provisions of this section do not allow the board of directors to provide ambulance service in any area in which a local government, or a person or entity authorized to act on behalf of a local government, has awarded an exclusive franchise for the provision of ambulance service pursuant to NRS 244.187, 268.081, 269.128 or other applicable law.]~~

Sec. 17. NRS 474.190 is hereby amended to read as follows:

474.190 1. Subject to the provisions of subsection ~~[2,]~~ 3, the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

2. *The budget must be based on estimates of the amount of money that will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.*

3. The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities ~~[shall]~~ *must* not in any 1 year exceed 1 percent of the ~~[assessable property within the district]~~.

~~3. In determining the tax to be levied to raise the amount of money required by such budget within such limitation, the board of county commissioners shall prorate 80 percent of the amount of the tax upon the assessed value of improvements and personal property upon each parcel of land and 20 percent upon the assessed value of each parcel of land, if upon the formation of the district a provision for such procedure was included in the notice to create the district approved by the property owners, or if a petition requesting such procedure, signed by not less than a majority of the property owners within the district, is presented to the board prior to January 20.]~~ *assessed value of the property described in NRS 474.200 and any net proceeds of minerals derived from within the boundaries of the district.*

Sec. 18. NRS 474.200 is hereby amended to read as follows:

474.200 1. At the time of making the levy of county taxes for that year, the boards of county commissioners shall levy the tax ~~[certified]~~ *established*

pursuant to NRS 474.190 upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations as established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

2. When levied, the tax must be entered upon the assessment rolls and collected in the same manner as state and county taxes. *Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.*

3. When the tax is collected it must be placed in the treasury of the county in which the greater portion of the *county fire protection* district is located, to the credit of the ~~current expense fund of the district, and may be used only for the purpose for which it was raised.~~ district. *The treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of the district must be deposited in the district fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.*

4. *For the purposes of subsection 3, an emergency includes, without limitation, any event that:*

*(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;*

*(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and*

*(c) Requires the district to provide money to obtain a matching grant from a state agency or an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.*

Sec. 19. NRS 474.300 is hereby amended to read as follows:

474.300 1. In any county fire protection district availing itself of the privileges of this section and NRS 474.220 and 474.310, the board of directors of ~~such~~ the district annually shall determine the tax necessary for the payment of interest and principal of such bonds.

2. The amount of the tax ~~shall~~ must be certified to the boards of county commissioners of the counties in which any portion of the district is located, and ~~such~~ the board of county commissioners shall, at the time of making

the levy of county taxes for that year, levy the tax certified upon all the real property, together with the improvements thereon, in the district.

3. When levied, the tax ~~[shall]~~ *must* be entered on the assessment rolls and collected in the same manner as state and county taxes.

4. When the tax is collected it ~~[shall]~~ *must* be placed in the treasury of the county in which the greater portion of the district is located in a special fund for the payment of principal and interest of the bonds. Payments therefrom ~~[shall]~~ *must* be made according to the terms of the bonds.

Sec. 20. NRS 474.460 is hereby amended to read as follows:

474.460 1. All territory in each county *or consolidated municipality* not included in any other fire protection district, except incorporated areas ~~[,]~~ *other than consolidated municipalities*, may be organized by ordinance by the board of county commissioners of the county in which ~~[such]~~ *that* territory lies into as many fire protection districts as necessary to provide for the prevention and extinguishment of fires in the county, until such time as ~~[such]~~ *that* territory may be included in another fire protection district formed in accordance with the provisions of chapter 473 of NRS, or NRS 474.010 to 474.450, inclusive ~~[,]~~ *and sections 2 to 5, inclusive, of this act.*

2. Each such district ~~[shall]~~:

~~(a) Be a body corporate and politic;~~

~~(b) Be~~ :

*(a) Is a political subdivision of the State; and*

~~[(c) Have]~~

*(b) Has perpetual existence unless dissolved as provided in this chapter.*

3. Each such district may:

~~(a) [Have and use a corporate seal;~~

~~(b)]~~ Sue and be sued, and be a party to suits, actions and proceedings;

~~[(c)]~~ *(b) Arbitrate claims; and*

~~[(d)]~~ *(c) Contract and be contracted with.*

4. The board of county commissioners ~~[of the county]~~ organizing each such district ~~[shall]~~ *is* ex officio ~~[be]~~ the governing body of each such district. The governing body ~~[shall]~~ *must* be known as the board of fire commissioners.

5. The chairman of the board of county commissioners ~~[shall]~~ *is* ex officio ~~[be]~~ the chairman of each such district.

6. The county clerk ~~[shall]~~ *is* ex officio ~~[be]~~ the clerk of each such district.

7. ~~[The]~~ *Unless the board of fire commissioners employs a treasurer, the* county treasurer ~~[shall]~~ *is* ex officio ~~[be]~~ the treasurer of each such district.

Sec. 21. NRS 474.470 is hereby amended to read as follows:

474.470 The board of fire commissioners shall:

1. Manage and conduct the business and affairs of districts organized pursuant to the provisions of NRS 474.460.

2. ~~[Promulgate]~~ *Adopt* and enforce all *rules and* regulations necessary for the administration and government of the districts and for the furnishing of

fire protection ~~to~~ thereto, which may include regulations relating to emergency medical services and fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

➤ Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning those substances, materials or devices that is required by the Federal Government and has been adopted by the board of county commissioners.

3. Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the districts.

4. Provide for the payment of salaries to the personnel of ~~such~~ those fire companies or fire departments.

5. Provide for payment from the proper fund of all the debts and just claims against the districts.

6. Employ agents and employees for the districts sufficient to maintain and operate the property acquired for the purposes of the districts.

7. Acquire real or personal property necessary for the purposes of the districts and dispose of the ~~same when~~ property if no longer needed.

8. Construct any necessary structures.

9. Acquire, hold and possess, ~~either~~ by donation or purchase, any land or other property necessary for the purpose of the districts.

10. Eliminate and remove fire hazards from the districts ~~wherever~~ if practicable and possible, whether on private or public premises, and to that end the board of fire commissioners may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

11. Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.460 to 474.540, inclusive ~~to~~, and sections 6, 7 and 8 of this act.

Sec. 21.5. NRS 474.480 is hereby amended to read as follows:

474.480 1. The board of fire commissioners shall plan for the prevention and extinguishment of fires in the territory of the county described by NRS 474.460, in cooperation with the State Forester Firewarden to coordinate the fire protection activities of the districts with the fire protection provided by the Division of Forestry of the State Department of Conservation and Natural Resources and by federal agencies, in order that the State Forester Firewarden may establish a statewide plan for the prevention and control of large fires, mutual aid among the districts, training of personnel, supply, finance and other purposes to promote fire protection on a statewide basis.

2. Through inspection , ~~[and recommendation,]~~ the State Forester Firewarden ~~[shall standardize the]~~ *may recommend standardization of* fire protection equipment and facilities of the districts to facilitate mutual aid among the districts.

Sec. 22. NRS 474.490 is hereby amended to read as follows:

474.490 The board of fire commissioners shall cooperate with *the State Forester Firewarden and* other agencies as provided in NRS 472.040 to 472.090, inclusive, to prevent and suppress fires in wild lands, and may contribute suitable amounts of money from the sums raised as provided in NRS 474.510 for ~~[such]~~ *that* purpose to cooperating agencies, or may receive contributions from other agencies to be spent for ~~[such]~~ *that* purpose.

Sec. 23. NRS 474.500 is hereby amended to read as follows:

474.500 1. The board of fire commissioners may appoint a district fire chief who shall have adequate training and experience in fire control and who shall hire such employees as are authorized by the board. The district fire chief shall administer all fire control laws in the territory of the county described by NRS 474.460 and perform such other duties as may be designated by the board of fire commissioners and the State Forester Firewarden. The district fire chief shall coordinate fire protection activities in the district and shall cooperate with all other existing fire protection agencies and with the State Forester Firewarden for the standardization of equipment and facilities.

2. In lieu of or in addition to the provisions of subsection 1, the board of fire commissioners may :

(a) Provide ~~[provide]~~ the fire protection required by NRS 474.460 to 474.540, inclusive, *and sections 6, 7 and 8 of this act* to the districts by entering into agreements with other agencies as provided by NRS 472.060 to 472.090, inclusive, and 277.180, for the furnishing of such protection to the districts ~~[ ]~~ ; or

(b) Support volunteer fire departments within districts organized under the provisions of NRS 474.460 to 474.540, inclusive, and sections 6, 7 and 8 of this act for the furnishing of such protection to the districts.

Sec. 24. NRS 474.510 is hereby amended to read as follows:

474.510 1. The board of fire commissioners shall prepare ~~[a]~~ *an annual budget in accordance with the provisions of NRS 354.470 to 354.626, inclusive,* for each district organized in accordance with NRS 474.460 . ~~[ ]~~ ~~estimating]~~

2. *Each budget must be based on estimates of* the amount of money which will be needed to defray the expenses of the district and to meet unforeseen ~~[fire emergencies, and to determine]~~ *emergencies and* the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.

~~[2.]~~ 3. At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 1,

upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

~~{3-}~~ 4. The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection ~~{2-}~~ 3 and any net proceeds of minerals derived from within the boundaries of the district.

~~{4-}~~ 5. If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483 , and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

~~{5-}~~ 6. For the purposes of NRS 474.460 to 474.550, inclusive, *and sections 6, 7 and 8 of this act*, the ~~{county}~~ treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district ~~{fire}~~ emergency fund. The ~~{sums}~~ money collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district fire protection operating fund, and the ~~{sums}~~ money collected to meet unforeseen emergencies must be deposited in the district ~~{fire}~~ emergency fund. The district ~~{fire}~~ emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district ~~{fire}~~ emergency fund must not exceed the sum of \$1,000,000. Any interest earned on the money in the district ~~{fire}~~ emergency fund that causes the balance in that fund to exceed \$1,000,000 must be credited to the district fire protection operating fund.

7. *For the purposes of subsection 6, an emergency includes, without limitation, any event that:*

*(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;*

*(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and*

*(c) Requires the district to provide money to obtain a matching grant from an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.*

Sec. 25. NRS 474.560 is hereby amended to read as follows:

474.560 1. A fire protection district organized pursuant to ~~{this chapter}~~ NRS 474.460 may reorganize as a district created wholly or in part for the purpose of furnishing fire protection facilities pursuant to chapter 318 of NRS.

2. ~~{Such}~~ The reorganization may be initiated by:



(a) A petition signed by a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If the board of county commissioners determines, after notice and hearing, that ~~such~~ *the* reorganization is feasible and in the best interests of the county and the district, the board of county commissioners shall adopt an ordinance reorganizing the district pursuant to chapter 318 of NRS.

4. All debts, obligations, liabilities and assets of the former district ~~shall~~ *must* be assumed or taken over by the reorganized district.

Sec. 26. (Deleted by amendment.)

Sec. 27. This act becomes effective on July 1, 2007.

Senator Washington moved that the Senate concur in the Assembly amendments to Senate Bill No. 288.

Remarks by Senator Washington.

Motion carried by a constitutional majority.

Bill ordered enrolled.

#### REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 621, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RANDOLPH J. TOWNSEND, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BARBARA K. CEGAVSKE, *Chair*

#### GENERAL FILE AND THIRD READING

Senate Bill No. 331.

Bill read third time.

Roll call on Senate Bill No. 331:

Remarks by Senator Raggio.

YEAS—21.

NAYS—None.

Senate Bill No. 331 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 381.

Bill read third time.

Remarks by Senators Amodei, Coffin, Horsford and Raggio.

Senator Amodei requested that the following remarks be entered in the Journal.

SENATOR AMODEI:

Senate Bill No. 381 promotes an economic-development reinvestment concept where by small to mid size, none resort, qualified gaming operators, many of which are in rural Nevada, receive a tax incentive to modernize and to better compete.

The economic vitality of these properties is important to the State and regions in which they operate. They are major employers and are economic engines in their counties. They are the good business neighbors who support local merchants and support non profit causes with donations and employee involvement.

The maximum tax-reinvestment incentive per property, per year, is \$150,000. Operators are then required to reinvest in their properties for purchase or lease of gaming devices, capital improvements and complying with regulations required by the Nevada Gaming Commission. To be eligible for this \$150,000 a year potential benefit, a licensee must provide health insurance to all full-time employees and operate 16 or more slot machines and have gross gaming revenues under \$50 million. In addition, operators must have 15 or more full-time employees and pay an average hourly wage of 150 percent of the federal minimum wage or have applied for and obtained a reduction of its real and personal property.

Depending on the number of properties that apply and are eligible to participate, the estimated fiscal impact is \$21.9 million per year. The economic benefit to the State is estimated at \$35.6 million per year based upon the reinvestment and the additional sales-tax revenues, gaming-tax revenues generated and the indirect effects to the economies in which these entities exist.

As new jobs are generated, more employees will have health insurance and increases will be generated in sales-and-use taxes, property taxes and gaming taxes. The State Gaming Control Board will develop regulations for managing the program and for auditing authorized expenditures.

The time line is also important regarding this. The bill becomes effective July 1, 2007, if passed by this Session of the Legislature. An abatement credit, which is the amendment we adopted to the bill earlier today, accrues for two years. There is no fiscal impact to the State in the 2007-2009 biennium because of the timing changes we made this morning. Accrual of abatements sunsets June 30, 2011, with final credits to be taken through 2013. These sunset dates are important because in the presentation of this, and the numbers we have heard, it will mean in terms of reinvestment and generating taxes, jobs that pay 150 percent of the federal level. This is what they have said they think are good numbers. We are doing it in a way that does not affect the budget this biennium. We are not being asked to do this now and react to it in the next few days. They are willing to come back to the Legislature within the near future and tell us how they did so they can be audited and we can see as enacted it did generate the net-positive cash-flow situation, not only for the State but also for the communities in which they operate.

SENATOR COFFIN:

Thank you, Mr. President. It will affect this current biennium in this sense. Under the accrual basis of accounting, starting July 1, 2007, page 4, line 3, we will begin to accrue a debt to these casinos based upon their investments which will become payable in the next biennium. The State Gaming Control Board estimated the biennial costs to be about \$20 million. What we are doing is creating a hole of \$20 million in this biennium to be paid before we even get back in 2009. There was a mention of \$36 million in circulating of money that occurs when you grant someone this exemption or abatement. This is going to cost us a lot of money.

The casinos that are involved are good business people. I have letters from many friends who have these casinos. They are good-sized casinos. They are not little. Some are doing pretty well. Some may not be doing so well.

Their emphasis in the presentation by the Senator from the Capital District was on the rural aspect of it. I could support this if it really related to the rural areas only, but it covers all 17 counties. We are creating a situation where you will have a casino on one side of the street which will have a tax break not granted to a casino on the other side of the street. This allows the smaller casino to offer better odds on slot machines for which people do scramble across the

street, not just for the buffet but also for the odds in the slot machines. Not only is it expensive, but it is discriminatory.

It is a worthy bill because it is helpful to people, but the trouble is it does not help everyone in the industry. It helps a select few. I wish I could support it, from that standpoint, but because of the inherent unfairness of the bill and because of the true fiscal impact, which will become apparent when we come into Session next time, I cannot support it.

SENATOR HORSFORD:

Thank you, Mr. President. I rise in opposition to the bill. As the junior member of the Committee on Judiciary, I respect the thoughtful manner in which the Chair conducted the hearing on this bill and the information that was provided to us by the proponents. While I do see the value in supporting business expansion, I am a proponent of these types of efforts, I see four primary problems with this bill.

First, in the provision requiring the health-insurance coverage, it does not speak clearly to whether this is for all employees, whether they are full time or part time, whether the coverage or the benefit plan is comprehensive or whether the employees will still have to bear the primary burden of covering the co-pays or premiums.

Second, the amendment adopted earlier regarding the minimum wage is based on the federal-minimum-wage standard. This Legislature and the people of this State have spoken regarding State minimum wage, which is at least \$1 higher than the federal-minimum-wage standard. These employees at these particular hotels could be paid at least \$1 less, and yet, the companies could still meet the requirements for this abatement.

Third, we are now placing the Gaming Commission in a role of serving as Tax Commission which I believe is taking them away from the primary role designated by statute. It places them in an awkward position to be issuing abatements or tax breaks to the companies they are required to regulate.

Finally, as my colleague from Clark District 10 just explained, the commitment of our Legislature and the future commitment of the Legislature based on the fiscal impact of this policy, at a time when we are barely meeting the State's needs in education and health care and mental-health services, to give tax breaks like this to a select group of businesses is not good or fair policy on behalf of the State of Nevada. For those reasons, I oppose the bill doing so reluctantly, understanding that this is an important industry and many of these companies do provide excellent economic benefits to their communities.

SENATOR AMODEI:

I appreciate the comments expressed by the previous speakers. For purposes of the record, I have a few comments.

Yes, the accrual starts right away, but it also stops two years before the end of the ability to take those accruals. I see some of that as one of semantics. The time it applies is certain. The accrual stops two years before the ending date of the bill. The fact that we are having this discussion, in an abatement context, is positive because it is going to stop and we are going to get to look at the results. We have not done this on anything else, except for in extraordinary circumstances regarding vetoes. We are policing ourselves in terms of this policy, which I think is healthy and appropriate.

Regarding the discriminatory aspect of it, I may not be able to disagree with that, but I suggest that we now discriminate on all of the businesses in this based on what is called the "three tiers" of the taxing level at which we tax gaming licensees. This is a way to not create a fourth tier but to provide some level of support for the businesses. When the Delta Saloon in Virginia City and the Bellagio in Las Vegas are in the same tax bracket, that is out of order. There is discrimination whether this passes or not.

I appreciate the health-insurance comments. It may be appropriate during the regulatory process for the Gaming Control Board to address this. The Legislative record indicates the insurance is for full-time employees. I am not opposed to anyone participating in the regulatory process were this to become law.

The federal minimum wage for a casino operator in Nevada says they will pay the federal minimum wage plus \$1. This will be all right the way it is listed in the bill. They will have to pay that in order to comply with the State law.

I ask the body to ask themselves to examine the numbers. This is meant to bring in more revenues than we spend and more revenues than it will cost. Please give this your serious consideration. Thank you.

Senator Raggio disclosed that he is a board member of the Archon Corporation.

Senator Coffin disclosed that he has clients in the gaming industry.

Roll call on Senate Bill No. 381:

YEAS—13.

NAYS—Carlton, Coffin, Horsford, Lee, Mathews, Titus, Wiener, Woodhouse—8.

Senate Bill No. 381 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 461.

Bill read third time.

Roll call on Senate Bill No. 461:

YEAS—21.

NAYS—None.

Senate Bill No. 461 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 555.

Bill read third time.

Roll call on Senate Bill No. 555:

YEAS—21.

NAYS—None.

Senate Bill No. 555 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 212.

Bill read third time.

Roll call on Assembly Bill No. 212:

YEAS—21.

NAYS—None.

Assembly Bill No. 212 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

#### UNFINISHED BUSINESS

##### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 69, 92, 95, 101, 117, 125, 136, 140, 146, 157, 200, 202, 203, 228, 289, 298, 307, 314, 346, 374, 398, 403, 409, 497, 502, 535; Assembly Bills Nos. 209, 354, 485, 573.

## GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Raggio, the privilege of the floor of the Senate Chamber for this day was extended to the former Lieutenant Governor Lonnie Hammargren and Ms. Senior Nevada participants and Pageant Directors: Patti Ogren, Charlie Christy, Mary Richard, Barbara Glotzer, Barbara Grove, Marlene Koppenhaver, Peggy Livingston, Gail Imazaki, Helen Duarte, Janet Winegar, Val Hallam, Maura Harrower, Marzella Hammond, Doty Allym, Elizabeth Rassigna, Jean Watkins, Ginny Delaski and the following studenta and chaperones from the Sarah Winnemucca Elementary School: Neil Alderman, Rebecca Bauer, Robyn Donovan, Ashley Erickson, Michael Erickson, Alice Frederick, Peter Frederick, Anna Fuchs, Clay Harrison, Tyler Hart, Isaac Hickox-Young, Jacob Lokshin, Rachel Luck, Mason Osgood, Tim Packham, Reuben Parker, Kevin Short, Evan Su, Logan Thomason, Sophia Vallas, Gabriel Vidaurre, Alex Wade, Madeleine Williams, Angela Xu; chaperones: Susan Justice, Megan Burns, Nancy Cunningham, Nancy Hart, Caryn Thomason and Christine Vallas.

Senator Raggio moved that the Senate adjourn until Thursday, May 31, 2007, at 11 a.m.

Motion carried.

Senate adjourned at 2:54 p.m.

Approved:

BRIAN K. KROLICKI  
*President of the Senate*

Attest: CLAIRE J. CLIFT

*Secretary of the Senate*