THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), April 9, 2009

Assembly called to order at 11:40 a.m.

Madam Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, James Satilek.

O my God! O my God! Unite the hearts of Thy servants and reveal to them Thy great purpose. May they follow Thy commandments and abide in Thy law. Help them, O God, in their endeavor and grant them strength to serve Thee. O God! Leave them not to themselves, but guide their steps by the light of Thy knowledge and cheer their hearts by Thy love. Verily, Thou art their helper and their Lord.

BAHÁ'U'LLÁH.

Pledge of allegiance to the Flag.

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

Motion carried.

NOTICE OF EXEMPTION

April 7, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 319.

GARY GHIGGERI
Fiscal Analysis Division

April 9, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 395.

GARY Ghiggeri
Fiscal Analysis Division

April 9, 2009

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 3.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 20, 223, 255, 277, 339, 479 and 492.

MARK STEVENS
Fiscal Analysis Division

REPORTS OF COMMITTEES

Madam Speaker:

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chairman*

Madam Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 145, 285, 348, 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 Education, to which was referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

BONNIE PARNELL, *Chair*

Madam Speaker:

Your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 79, 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 Elections, Procedures, Ethics, and Constitutional Amendments, to which was referred Assembly Bill No. 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Rerefer to the Committee on Ways and Means.

ELLEN M. KOIVISTO, *Chair*

Madam Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 49, 360, 415, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Madam Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bills Nos. 122, 249, 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Madam Speaker:

Your Committee on Judiciary, to which was referred Assembly Bills Nos. 286, 462, 517 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNIE ANDERSON, *Chairman*

Madam Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JERRY D. CLABORN, *Chair*

Madam Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 205, 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 Taxation, to which were referred Assembly Bills Nos. 255, 277, 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KATHY MCCLAIN, *Chair*

Madam Speaker:

Your Committee on Transportation, to which was referred Assembly Bills Nos. 163, 177, 296 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 255, 277, 422, 479, 488, and 519 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Oceguera moved that Assembly Bills Nos. 49, 79, 122, 145, 163, 177, 205, 233, 249, 279, 285, 286, 289, 296, 348, 349, 360, 415, 426, 462, 473, 483, 517; Assembly Joint Resolution No. 10 just reported out committee, be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 6, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 36.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 19, 35, 45, 54, 55, 68, 84, 101, 106, 111, 114.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 4.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 8, 2009

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 469; Senate Bills Nos. 129, 169, 207, 213, 215, 220, 224.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 43, 49, 53, 59, 74, 83, 92, 136, 147, 152, 159, 161, 165, 190, 194, 197, 230.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

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

Motion carried.

Senate Concurrent Resolution No. 4.

Assemblywoman Smith moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Bill No. 535—AN ACT relating to the Legislature; making various changes relating to the Legislature and the Legislative Counsel Bureau; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 19.

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

Motion carried.

Senate Bill No. 35.

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

Motion carried.

Senate Bill No. 36.

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

Motion carried.

Senate Bill No. 43.

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

Motion carried.

Senate Bill No. 45.

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

Motion carried.

Senate Bill No. 49.

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

Motion carried.

Senate Bill No. 53.

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

Motion carried.

Senate Bill No. 54.

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

Motion carried.

Senate Bill No. 55.

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

Motion carried.

Senate Bill No. 59.

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

Motion carried.

Senate Bill No. 68.

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

Motion carried.

Senate Bill No. 74.

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

Motion carried.

Senate Bill No. 83.

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

Motion carried.

Senate Bill No. 84.

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

Motion carried.

Senate Bill No. 92.

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

Motion carried.

Senate Bill No. 101.

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

Motion carried.

Senate Bill No. 106.

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

Motion carried.

Senate Bill No. 111.

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

Motion carried.

Senate Bill No. 114.

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

Motion carried.

Senate Bill No. 129.

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

Motion carried.

Senate Bill No. 136.

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

Motion carried.

Senate Bill No. 147.

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

Motion carried.

Senate Bill No. 152.

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

Motion carried.

Senate Bill No. 159.

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

Motion carried.

Senate Bill No. 161.

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

Motion carried.

Senate Bill No. 165.

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

Motion carried.

Senate Bill No. 169.

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

Motion carried.

Senate Bill No. 190.

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

Motion carried.

Senate Bill No. 194.

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

Motion carried.

Senate Bill No. 197.

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

Motion carried.

Senate Bill No. 207.

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

Motion carried.

Senate Bill No. 213.

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

Motion carried.

Senate Bill No. 215.

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

Motion carried.

Senate Bill No. 220.

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

Motion carried.

Senate Bill No. 224.

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

Motion carried.

Senate Bill No. 230.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 49.

Bill read second time and ordered to third reading.

Assembly Bill No. 79.

Bill read second time.

The following amendment was proposed by the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Amendment No. 182.

AN ACT relating to city elections; authorizing the governing body of a city to conduct a city election in which all ballots must be cast by mail under certain circumstances; providing that a candidate who receives a majority of votes cast in a city primary election **in certain cities** must be declared elected; revising provisions concerning requests for an absent ballot; requiring that the voting results of a city election be posted on the Internet under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the governing body of a city to conduct a city election in which all ballots must be cast by mail if: (1) the election is a special election; (2) the election involves only offices and ballot questions that may be voted on by the voters of only one ward of the city; **or** (3) the election involves only a single office or ballot question**.** ~~**[**; or (4) the governing body determines that doing so is in the best interest of the city.**]**~~ The provisions of existing law governing the conduct of city elections apply to such an election except for provisions concerning voting in person at polling places, voting by absent ballot and early voting in person. For the purpose of conducting such an election, each voting precinct in the city is treated as if it were a mailing precinct under existing law.

Under existing law, if a candidate for office in a city primary election held in a city whose population is 5,000 or more receives a majority of the votes cast for the office, only his name must be placed on the ballot for the city general election, and he must run unopposed in that election. (NRS 293C.175) **Section 3** of this bill provides instead that such a candidate must be declared elected to the office based on the majority vote in the primary election and that his name must not be placed on the ballot for the city

general election. ~~[Section 3 also extends the scope of this provision to apply to city elections held in all cities in Nevada.]~~

Section 4 of this bill eliminates a provision which enables a registered voter who is at least 65 years of age or who has a physical disability or condition that substantially impairs his ability to go to the polling place to request an absent ballot for all elections held during the year he requests an absent ballot, thus making it so that, with certain limited exceptions, any registered voter providing sufficient written notice may vote an absent ballot. (NRS 293C.310)

Existing law requires a counting board and a city clerk to post a signed copy of the voting results in a city election on the outside of the facility where the votes were counted, the courthouse or the city hall. (NRS 293C.380) **Section 5** of this bill requires ~~[instead]~~ that the results **also** be posted on an Internet website ~~[maintained by the city or the city clerk, if any, and requires the physical posting of the results only if neither]~~ **not later than the start of business on the day immediately following the election, if** the city ~~[nor]~~ **or** the city clerk maintains such a website. **Section 5** also eliminates the requirement that the copy of the voting results be signed before it may be posted.

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

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

1. The governing body of a city may conduct a city election in which all ballots must be cast by mail if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question . ~~[; or~~

~~*(c) The governing body determines that conducting a city election in which all ballots must be cast by mail is in the best interest of the city.]*~~

2. The provisions of NRS 293C.265 to 293C.302, inclusive, 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this section.

3. For the purposes of an election conducted pursuant to this section, each precinct in the city shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.

Sec. 2. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in subsection 2, conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the

necessary election officers and election boards ~~[,]~~ and do all other things required to carry the election into effect.

2. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** governing body of the city shall provide for:

(a) Absent ballots to be voted in a city election pursuant to NRS 293C.305 to 293C.325, inclusive, and 293C.330 to 293C.340, inclusive; and

(b) The conduct of:

(1) Early voting by personal appearance in a city election pursuant to NRS 293C.355 to 293C.361, inclusive;

(2) Voting by absent ballot in person in a city election pursuant to NRS 293C.327; or

(3) Both early voting by personal appearance as described in subparagraph (1) and voting by absent ballot in person as described in subparagraph (2).

Sec. 3. NRS 293C.175 is hereby amended to read as follows:

293C.175 1. Except as otherwise provided in NRS 293C.115, a primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the first Tuesday after the first Monday in April of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. Except as otherwise provided in NRS 293C.115, a candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not less than 60 days ~~[nor]~~ ***or*** more than 70 days before the date of the primary city election. The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If, in a primary city election held in a city of population category one or two, one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate, ***he must be declared elected to the office and*** his name ~~[alone]~~ must ***not*** be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 4. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.

2. ~~[A registered voter who:~~

~~(a) Is at least 65 years of age; or~~

~~(b) Has a physical disability or condition that substantially impairs his ability to go to the polling place,~~

~~➥ may request an absent ballot for all elections held during the year he requests an absent ballot.~~

~~3.]~~ As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

~~[4.]~~ ***3.*** A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the two primary and general elections immediately following the date on which the city clerk received the request.

~~[5.]~~ ***4.*** It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 5. NRS 293C.380 is hereby amended to read as follows:

293C.380 1. Except as otherwise provided in subsection 2, each counting board **,** before it adjourns, shall post a copy of the voting results in a conspicuous place on the outside of the place where the votes were counted.

2. If votes are cast on ballots that are mechanically or electronically tabulated in accordance with the provisions of this chapter, chapter 293 or 293B of NRS, the city clerk shall, as soon as possible, post copies of the tabulated voting results ***:***

(a) On an Internet website maintained by the city or the city clerk, if any, including, without limitation, a website maintained by the city clerk pursuant to NRS 293C.715; ~~*[or]*~~ ***and***

(b) ~~*[If neither the city nor the city clerk maintains an Internet website,*~~ in~~]~~ ***In*** a conspicuous place on the outside of the counting facility, courthouse or city hall. ***Copies of the voting results posted pursuant to this paragraph must be posted not later than the start of business on the day immediately following the day of the election.***

3. Each copy of the voting results posted in accordance with subsections 1 and 2 must set forth the accumulative total of all the votes cast within the city conducting the election **.** ~~[and must be signed by the members of the counting board or the computer program and processing accuracy board.]~~

Sec. 6. NRS 293C.387 is hereby amended to read as follows:

293C.387 1. The election returns from a special election, primary city election or general city election must be filed with the city clerk, who shall immediately place the returns in a safe or vault ~~[.]~~ ***designated by the city clerk.*** No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the mayor and the governing body of the city.

2. After the governing body of a city receives the returns from all the precincts and districts in the city, it shall meet with the mayor to canvass the returns. The canvass must be completed on or before the sixth working day following the election.

3. In completing the canvass of the returns, the governing body of the city and the mayor shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

4. After the canvass is completed, the governing body of the city and mayor shall declare the result of the canvass.

5. The city clerk shall enter upon the records of the governing body of the city an abstract of the result. The abstract must be prepared in the manner prescribed by regulations adopted by the Secretary of State and must contain the number of votes cast for each candidate.

6. After the abstract is entered, the:

(a) City clerk shall seal the election returns, maintain them in a vault for at least 22 months and give no person access to them during that period, unless access is ordered by a court of competent jurisdiction or by the governing body of the city.

(b) Governing body of the city shall, by an order made and entered in the minutes of its proceedings, cause the city clerk to:

(1) Certify the abstract;

(2) Make a copy of the certified abstract;

(3) Make a mechanized report of the abstract in compliance with regulations adopted by the Secretary of State;

(4) Transmit a copy of the certified abstract and the mechanized report of the abstract to the Secretary of State within 7 working days after the election; and

(5) Transmit on paper or by electronic means to each public library in the city, or post on a website maintained by the city or the city clerk on the Internet or its successor, if any, a copy of the certified abstract within 30 days after the election.

7. After the abstract of the results from a:

(a) Primary city election has been certified, the city clerk shall certify the name of each person nominated and the name of the office for which he is nominated.

(b) General city election has been certified, the city clerk shall:

(1) Issue under his hand and official seal to each person elected a certificate of election; and

(2) Deliver the certificate to the persons elected upon their application at the office of the city clerk.

8. The officers elected to the governing body of the city qualify and enter upon the discharge of their respective duties on the first regular meeting of that body next succeeding that in which the canvass of returns was made pursuant to subsection 2.

Sec. 7. NRS 293C.390 is hereby amended to read as follows:

293C.390 1. The voted ballots, rejected ballots, spoiled ballots, challenge lists, records printed on paper of voted ballots collected pursuant to NRS 293B.400, and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk. The records of voted ballots that are maintained in electronic form must, after canvass of the votes by the governing body of the city, be sealed and deposited in the vaults of the city clerk. The tally lists collected pursuant to NRS 293B.400 must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk without being sealed. All materials described by this subsection must be preserved for at least 22 months, and all such sealed materials must be destroyed immediately after that period. A notice of the destruction must be published by the city clerk in at least one newspaper of general circulation in the city ~~[,]~~ or **,** if no newspaper is of general circulation in that city, in a newspaper of general circulation in the nearest city, not less than 2 weeks before the destruction of the materials.

2. Unused ballots, enclosed and sealed, must, after canvass of the votes by the governing body of the city, be deposited in the vaults of the city clerk and preserved for at least the period during which the election may be contested and adjudicated, after which the unused ballots may be destroyed.

3. The rosters containing the signatures of those persons who voted in the election and the tally lists deposited with the governing body of the city are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the city clerk.

4. A contestant of an election may inspect all of the material relating to that election which is preserved pursuant to subsection 1 or 2, except the voted ballots.

5. The voted ballots deposited with the city clerk are not subject to the inspection of any person, except in cases of a contested election, and only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of the judge, body or board.

6. As used in this section, "vaults of the city clerk" means any place of secure storage designated by the city clerk.

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Koivisto moved the adoption of the amendment.

Remarks by Assemblywoman Koivisto.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 55.

AN ACT relating to the Office for Consumer Health Assistance; expanding the definition of "consumer" to include more situations in which assistance may be rendered; expanding the authority of the Director of the Office for Consumer Health Assistance to adopt necessary regulations; making various other changes relating to the Office for Consumer Health Assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office for Consumer Health Assistance in the Office of the Governor to provide assistance to consumers in obtaining information or other assistance relating to a variety of medical issues. (NRS 223.550) **Section 1** of this bill adds to the definition of "consumer" a person who is in need of information or other assistance regarding **his** health care services or disputes related to the billing or payment of **his** medical claims. (NRS 223.510)

Section 2 of this bill expands the current authority of the Director of the Office for Consumer Health Assistance to adopt regulations relating to the Office for Consumer Health Assistance, which would allow, for example, the adoption of regulations addressing procedures for hearing disputes between patients and hospitals. (NRS 223.560, 223.570)

Section 4 of this bill authorizes a designee of the Director to hear, mediate, arbitrate or resolve by alternative means of dispute resolution disputes between patients and hospitals. (NRS 223.575)

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

Section 1. NRS 223.510 is hereby amended to read as follows:

223.510 "Consumer" means a natural person who:

1. Has or is in need of coverage under a health care plan;

2. Is in need of information or other assistance regarding a prescription drug program; ~~[or]~~

3. May need information concerning purchasing prescription drugs from Canadian pharmacies ~~[.]~~ ***; or***

4. Is in need of information or other assistance regarding his health care services or disputes in billing related to his medical claims.

Sec. 2. NRS 223.560 is hereby amended to read as follows:

223.560 ***1.*** The Director shall:

~~[~~1.~~]~~ ***(a)*** Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

~~[~~2.~~]~~ ***(b)*** Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

~~[~~3.~~]~~ ***(c)*** Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

~~[~~(a)~~]~~ ***(1)*** Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

~~[~~(b)~~]~~ ***(2)*** Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

~~[~~4.~~]~~ ***(d)*** Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

~~[~~5.~~]~~ ***(e)*** Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

~~[~~6.~~]~~ ***(f)*** Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Director pursuant to this section;

~~[~~7.~~]~~ ***(g)*** In appropriate cases and pursuant to the direction of the Governor, refer a complaint or the results of an investigation to the Attorney General for further action;

~~[~~8.~~]~~ ***(h)*** Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services; and

~~[~~9.~~]~~ ***(i)*** Establish and maintain an Internet website which includes:

~~[~~(a)~~]~~ ***(1)*** Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

~~[~~(b)~~]~~ ***(2)*** Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

~~[~~(c)~~]~~ ***(3)*** A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning

the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State.

2. The Director may adopt such regulations as he deems to be necessary to carry out the provisions of NRS 223.500 to 223.580, inclusive.

Sec. 3. NRS 223.570 is hereby amended to read as follows:

223.570 1. The Director, within the limits of available money:

(a) Shall, to carry out the provisions of this section and NRS 223.560 and 223.580, employ at least two persons who have experience in the field of workers' compensation, including, without limitation, persons who have experience in administering claims or programs related to policies of industrial insurance, representing employees in contested claims relating to policies of industrial insurance or advocating for the rights of injured employees; and

(b) May, in addition to the persons required to be employed pursuant to paragraph (a), employ:

(1) Such persons in the unclassified service of the State as he determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580, including, without limitation, a provider of health care, as that term is defined in NRS 449.581.

(2) Such additional personnel as may be required to carry out the provisions of this section and NRS 223.560 and 223.580, who must be in the classified service of the State.

➥ A person employed pursuant to the authority set forth in this subsection must be qualified by training and experience to perform the duties for which the Director employs him.

2. The Director may:

(a) To the extent not otherwise prohibited by law, obtain such information from consumers, injured employees, health care plans, prescription drug programs and policies of industrial insurance as he determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580.

(b) ~~[Adopt such regulations as he determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580.~~

~~(c)]~~ Apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office for Consumer Health Assistance in carrying out its duties pursuant to ~~[subsections 8 and 9]~~ ***paragraphs (h) and (i) of subsection 1*** of NRS 223.560.

3. The Director and his employees shall not have any conflict of interest relating to the performance of their duties pursuant to this section and NRS 223.560 and 223.580. For the purposes of this subsection, a conflict of interest shall be deemed to exist if the Director or employee, or any person affiliated with the Director or employee:

(a) Has direct involvement in the licensing, certification or accreditation of a health care facility, insurer or provider of health care;

(b) Has a direct ownership interest or investment interest in a health care facility, insurer or provider of health care;

(c) Is employed by, or participating in, the management of a health care facility, insurer or provider of health care; or

(d) Receives or has the right to receive, directly or indirectly, remuneration pursuant to any arrangement for compensation with a health care facility, insurer or provider of health care.

Sec. 4. NRS 223.575 is hereby amended to read as follows:

223.575 1. The Bureau for Hospital Patients is hereby created within the Office for Consumer Health Assistance in the Office of the Governor.

2. The Director:

(a) Is responsible for the operation of the Bureau, which must be easily accessible to the clientele of the Bureau.

(b) Shall appoint and supervise such additional employees as are necessary to carry out the duties of the Bureau. The employees of the Bureau are in the unclassified service of the State.

(c) On or before February 1 of each year, shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau concerning the activities of the Bureau for Hospital Patients for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation, the number of complaints received by the Bureau, the number and type of disputes heard, mediated, arbitrated or resolved through alternative means of dispute resolution by the Director and the outcome of the mediation, arbitration or alternative means of dispute resolution.

3. The Director ***or his designee*** may, upon request made by either party, hear, mediate, arbitrate or resolve by alternative means of dispute resolution disputes between patients and hospitals. The Director ***or his designee*** may decline to hear a case that in his opinion is trivial, without merit or beyond the scope of his jurisdiction. The Director ***or his designee*** may hear, mediate, arbitrate or resolve through alternative means of dispute resolution disputes regarding:

(a) The accuracy or amount of charges billed to a patient;

(b) The reasonableness of arrangements made ***for a patient to pay any bill for medical services, including, without limitation, arrangements to pay hospital bills made*** pursuant to paragraph (c) of subsection 1 of NRS 439B.260; and

(c) Such other matters related to the charges for care provided to a patient as the Director ***or his designee*** determines appropriate for arbitration, mediation or other alternative means of dispute resolution.

➥ The designee must be an employee of the State and, except for the purposes of this subsection, must not be employed by or otherwise associated with the Bureau or the Office for Consumer Health Assistance.

4. The decision of the Director ***or his designee*** is a final decision for the purpose of judicial review.

5. Each hospital, other than federal and state hospitals, with 49 or more licensed or approved hospital beds shall pay an annual assessment for the support of the Bureau. On or before July 15 of each year, the Director shall notify each hospital of its assessment for the fiscal year. Payment of the assessment is due on or before September 15. Late payments bear interest at the rate of 1 percent per month or fraction thereof.

6. The total amount assessed pursuant to subsection 5 for a fiscal year must not be more than $100,000 **,** adjusted by the percentage change between January 1, 1991, and January 1 of the year in which the fees are assessed ~~[,]~~ in the Consumer Price Index (All Items) published by the United States Department of Labor.

7. The total amount assessed must be divided by the total number of patient days of care provided in the previous calendar year by the hospitals subject to the assessment. For each hospital, the assessment must be the result of this calculation multiplied by its number of patient days of care for the preceding calendar year.

Sec. 5. NRS 223.580 is hereby amended to read as follows:

223.580 On or before February 1 of each year, the Director shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:

1. A statement setting forth the number and geographic origin of the written and telephonic inquiries received by the Office for Consumer Health Assistance and the issues to which those inquiries were related;

2. A statement setting forth the type of assistance provided to each consumer and injured employee who sought assistance from the Director, including, without limitation, the number of referrals made to the Attorney General pursuant to ***paragraph (g) of*** subsection ~~[7]~~ ***1*** of NRS 223.560;

3. A statement setting forth the disposition of each inquiry and complaint received by the Director; and

4. A statement setting forth the number of external reviews conducted by external review organizations pursuant to NRS 695G.241 to 695G.310, inclusive, and the disposition of each of those reviews as reported pursuant to NRS 695G.310.

Sec. 6. NRS 453.3639 is hereby amended to read as follows:

453.3639 1. Except as otherwise provided in subsection 3, a person who is located within or outside this State shall not, via the Internet, fill or refill a prescription drug if:

(a) The person has reasonable cause to believe that the prescription is being filled or refilled for a person in this State; and

(b) The prescription drug has not been lawfully imported into the United States.

2. Except as otherwise provided in subsection 3, a person who is located within or outside this State shall not, via the Internet, fill or refill a prescription drug if:

(a) The person has reasonable cause to believe that the prescription is being filled or refilled for a person in this State; and

(b) The prescription was not delivered to the person in accordance with all applicable state and federal laws, regulations and standards.

3. The provisions of this section do not prohibit a Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive.

4. A person shall not knowingly aid another person in any act or transaction that violates any provision of this section.

5. Except as otherwise provided in subsection 6, a person who violates any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. A person who violates any provision of this section 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 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000, if the substance or drug involved:

(a) Is classified in schedule I; or

(b) Proximately causes substantial bodily harm to or the death of the intended recipient of the substance or drug or any other person.

7. The court shall not grant probation to or suspend the sentence of a person punished pursuant to subsection 6.

8. A person may be prosecuted, convicted and punished for a violation of this section whether or not the person is prosecuted, convicted or punished for violating any other specific statute based upon the same act or transaction.

Sec. 7. NRS 639.230 is hereby amended to read as follows:

639.230 1. A person operating a business in this State shall not use the letters "Rx" or "RX" or the word "drug" or "drugs," "prescription" or "pharmacy," or similar words or words of similar import, without first having secured a license from the Board.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a

license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit a Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive.

Sec. 8. NRS 639.2328 is hereby amended to read as follows:

639.2328 1. Every pharmacy located outside Nevada that provides mail order service to or solicits or advertises for orders for drugs available with a prescription from a resident of Nevada must be licensed by the Board.

2. To be licensed or to renew a license, such a pharmacy must:

(a) Be licensed as a pharmacy, or the equivalent, by the state or country in which its dispensing facilities are located.

(b) Comply with all applicable federal laws, regulations and standards.

(c) Submit an application in the form furnished by the Board.

(d) Provide the following information to the Board:

(1) The name and address of the owner;

(2) The location of the pharmacy;

(3) The name of the pharmacist who is the managing pharmacist; and

(4) Any other information the Board deems necessary.

(e) Pay the fee required by regulation of the Board.

(f) Submit evidence satisfactory to the Board that the facility, records and operation of the pharmacy comply with the laws and regulations of the state or country in which the pharmacy is located.

(g) Submit certification satisfactory to the Board that the pharmacy complies with all lawful requests and directions from the regulatory board or licensing authority of the state or country in which the pharmacy is located relating to the shipment, mailing or delivery of drugs.

(h) Be certified by the Board pursuant to NRS 639.23288 if the pharmacy operates an Internet pharmacy.

3. In addition to the requirements of subsection 2, the Board may require such a pharmacy to be inspected by the Board.

4. The Board shall notify the Office for Consumer Health Assistance each time the Board licenses a Canadian pharmacy pursuant to this section and recommend that the Office for Consumer Health Assistance include each such pharmacy on the Internet website established and maintained pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 223.560.

Sec. 9. NRS 639.23284 is hereby amended to read as follows:

639.23284 1. Every pharmacy located outside Nevada that provides mail order service to a resident of Nevada:

(a) Shall report to the Board any change of information that appears on its license and pay the fee required by regulation of the Board.

(b) Shall make available for inspection all pertinent records, reports, documents or other material or information required by the Board.

(c) As required by the Board, must be inspected by the Board or:

(1) The regulatory board or licensing authority of the state or country in which the pharmacy is located; or

(2) The Drug Enforcement Administration.

(d) As required by the Board, shall provide the following information concerning each prescription for a drug that is shipped, mailed or delivered to a resident of Nevada:

(1) The name of the patient;

(2) The name of the prescriber;

(3) The number of the prescription;

(4) The date of the prescription;

(5) The name of the drug;

(6) The symptom or purpose for which the drug is prescribed, if requested by the patient pursuant to NRS 639.2352; and

(7) The strength and quantity of the dose.

2. In addition to complying with the requirements of subsection 1, every Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 223.560 that provides mail order service to a resident of Nevada shall not sell, distribute or furnish to a resident of this State:

(a) A controlled substance;

(b) A prescription drug that has not been approved by the federal Food and Drug Administration;

(c) A generic prescription drug that has not been approved by the federal Food and Drug Administration;

(d) A prescription drug for which the federal Food and Drug Administration has withdrawn or suspended its approval; or

(e) A quantity of prescription drugs at one time that includes more drugs than are prescribed to the patient as a 3-month supply of the drugs.

Sec. 10. This act becomes effective on July 1, 2009.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 151.

AN ACT relating to school property; requiring boards of trustees of school districts to grant the use of certain athletic fields ~~[without charge]~~ to nonprofit organizations which provide programs for youth sports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district is authorized to grant the use of school buildings and grounds by the general public for certain purposes. (NRS 393.071-393.0719) ~~[In addition, the board of trustees is authorized to grant without charge the use of school libraries to the general public during times that are not regular school hours. (NRS 393.07105, 393.0714)]~~

Section 1 of this bill requires the board of trustees of a school district, upon request, to grant ~~[without charge]~~ the use of any athletic field that does not contain lights at an elementary, middle school or junior high school within the school district to a nonprofit organization which provides programs for youth sports, subject to the availability of the athletic field. ~~[Sections 2-4 of this bill revise the existing provisions governing the use of school buildings and grounds to include the use of an athletic field by a nonprofit organization pursuant to section 1.]~~ **The provisions of section 1 do not apply if a school district has entered into an agreement with a local government to provide the use of the athletic fields or playgrounds of the school district to a community organization which provides programs for youth sports.**

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

Section 1. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[The]*~~ ***Except as otherwise provided in subsection 3, the board of trustees of a school district shall, upon request, grant the use*** ~~*[without charge]*~~ ***of any athletic field which does not contain lights at each elementary school, middle school or junior high school within the school district to a nonprofit organization which provides programs for youth sports, including, without limitation, baseball, football, soccer and softball, during any time that*** ~~*[is]*~~ **:**

(a) Is not regular school hours ~~*[or that school-related]*~~ **; or**

(b) School-related activities do not require the use of the field,

↳ subject to the limitations, requirements and restrictions set forth in this section and NRS 393.071 to 393.0719, inclusive.

2. A nonprofit organization which provides programs for youth sports that is granted the use of an athletic field pursuant to subsection 1 must comply with any requirements of insurance coverage and indemnification required by the board of trustees of the school district.

3. If the board of trustees of a school district has entered into an agreement with one or more local governments to provide the use of the athletic fields or playgrounds of the school district to a community organization which provides programs for youth sports, the board of trustees of the school district is not required to comply with the provisions of subsection 1.

Sec. 2. NRS 393.071 is hereby amended to read as follows:

393.071 ~~[The]~~ ***Except as otherwise required by section 1 of this act, the*** board of trustees of any school district may grant the use of school buildings or grounds for public, literary, scientific, recreational or educational meetings, or for the discussion of matters of general or public interest upon such terms and conditions as the board deems proper, subject to the limitations, requirements and restrictions set forth in NRS 393.071 to 393.0719, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 3. ~~[NRS 393.0713 is hereby amended to read as follows:~~

~~393.0713 1. Except as otherwise provided in subsection 2, the privilege of using the buildings or grounds must not be granted for a period exceeding 1 year. The privilege is renewable and revocable in the discretion of the board of trustees at any time.~~

~~2. The time limitation set forth in subsection 1 does not apply to the use of a school library pursuant to NRS 393.07105 [.] or the use of an athletic field by a nonprofit organization pursuant to section 1 of this act.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 393.0719 is hereby amended to read as follows:~~

~~393.0719 1. Lighting, heating, janitorial service and the services of the person referred to in NRS 393.0718, when needed, and other necessary expenses, in connection with the use of public school buildings and grounds pursuant to NRS 393.071 to 393.0719, inclusive, and section 1 of this act must be provided for out of school district funds of the respective school districts in the same manner as similar services are provided for, and except as otherwise provided in subsection 2, subject to reimbursement by the user in accordance with such policies and regulations as the board of trustees may adopt.~~

~~2. The board of trustees of a school district may not request reimbursement for the costs and expenses associated with the use of [a] :~~

~~(a) A school library by the general public pursuant to NRS 393.07105 [.] ; or~~

~~(b) An athletic field by a nonprofit organization which provides programs for youth sports pursuant to section 1 of this act, except for any costs associated with the insurance required by that section.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2009.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 139.

SUMMARY—~~[Requires the Department of Transportation]~~ **Authorizes certain governmental entities** to adopt regulations **or ordinances** to allow ~~[certified]~~ **certain** low emission and energy-efficient vehicles to be operated in ~~[a lane on certain highways designated for the preferential use or exclusive use of high-occupancy vehicles.]~~ **designated lanes.** (BDR 43-40)

AN ACT relating to highways; ~~[requiring]~~ **authorizing** the Department of Transportation to adopt regulations to allow certified low emission and energy-efficient vehicles to be operated in a lane on certain highways designated for the preferential use or exclusive use of high-occupancy vehicles; **authorizing counties and cities to adopt ordinances to allow certain low emission and energy-efficient vehicles to travel in designated lanes in planned communities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1.5 of this** bill ~~[requires]~~ **authorizes** the Department of Transportation to adopt regulations to allow certified low emission and energy-efficient vehicles to be operated in a lane on a highway under its jurisdiction designated for the preferential use or exclusive use of high-occupancy vehicles. **Section 1.7 of this bill authorizes counties and cities to adopt ordinances that allow certain low emission and energy-efficient vehicles, including golf carts, to travel in designated lanes within planned communities.**

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 ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.5 and 1.7 of this act.**

Sec. 1.5. 1. To the extent not inconsistent with federal law, the Department of Transportation ~~*[shall,]*~~ ***may, in consultation with the Federal Highway Administration and the United States Environmental Protection Agency, adopt regulations establishing a program to allow a vehicle that is certified by the Administrator of the United States Environmental Protection Agency as a low emission and energy-efficient vehicle to be operated in a lane that is designated for the use of high-occupancy vehicles pursuant to NRS 484.312.***

2. As used in this section, "low emission and energy-efficient vehicle" has the meaning ascribed to it in 23 U.S.C. § 166(f)(3).

Sec. 1.7. 1. A county or city may adopt an ordinance to allow low emission and energy-efficient vehicles to travel in a designated lane on streets within a planned community.

2. As used in this section:

(a) "Low emission and energy-efficient vehicle" has the meaning ascribed to it in 23 U.S.C. § 166(f)(3) except that the term includes golf carts.

(b) "Planned community" has the meaning ascribed to it in NRS 116.075.

Sec. 2. ~~[This act becomes effective:]~~

1. **This section and section 1.7 of this act become effective upon passage and approval.**

2. Section 1.5 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

~~[2.]~~ **(b)** On ~~[October 1, 2009,]~~ **July 1, 2010,** for all other purposes.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 21.

AN ACT relating to motor vehicles; ~~[authorizing a short-term lessor and short-term lessee of a passenger car to agree that the lessee will be responsible for certain damages to the car under certain circumstances;]~~ authorizing a short-term lessor to exclude from a waiver of damages losses resulting from the theft of a leased car if the theft is committed by an authorized driver or by a person aided or abetted by an authorized driver; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law governing the business of short-term leases of passenger cars, ~~[the lessor and lessee may agree on the extent of the lessee's financial responsibility if the leased car is damaged during the term of the lease. (NRS 482.3154, 482.31545) Section 3 of this bill authorizes the lessee and lessor to agree that the lessee will be responsible for: (1) damages to a leased car from theft and vandalism even if the lessee is not at fault; and (2) the diminished value of a leased car resulting from physical or mechanical damage to the car for which the lessee is liable. "Diminished value," as~~

~~defined in section 1 of this bill, is the decrease in the fair market value of a car that has been damaged from what the car would have been worth if it had not been damaged and what it is likely to be worth if the damage is repaired properly.~~

~~A.~~ **a** short-term lessor may offer the lessee of a passenger car the opportunity to purchase a "waiver of damages" that relieves the lessee from financial responsibility for certain kinds of damage to the car. (NRS 482.3153, 482.3155-482.31565) **Section 5** of this bill authorizes a lessor to exclude from such a waiver any damages or loss attributable to the theft of the leased car if the theft is committed by the lessee or other authorized driver or by a person aided or abetted by such a driver.

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

Section 1. ~~[Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***"Diminished value" means the difference between:***~~

~~***1. The fair market value of a passenger car that has been damaged but repaired properly; and***~~

~~***2. What the fair market value of the same passenger car would have been had the car not been damaged at all.]*** **(Deleted by amendment.)**

Sec. 2. ~~[NRS 482.3151 is hereby amended to read as follows:~~

~~482.3151 As used in NRS 482.3151 to 482.3159, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 482.31515 to 482.3153, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 482.31535 is hereby amended to read as follows:~~

~~482.31535 1. Except as otherwise provided in NRS 482.3154, a short-term lessor and a short-term lessee of a passenger car may agree that the lessee will be responsible for:~~

~~(a) Physical damage to the car, up to and including its fair market value, regardless of the cause of the damage.~~

~~(b) Mechanical damage to the car, up to and including its fair market value, resulting from:~~

~~(1) A collision;~~

~~(2) An impact; or~~

~~(3) Any other type of incident,~~

~~* that is caused by a deliberate or negligent act or omission on the part of the lessee.~~

~~(c) Loss resulting from theft of the car, up to and including its fair market value .~~ **[**~~, except that the lessee is presumed to have no liability for any loss resulting from theft if an authorized driver:~~

~~(1) Has possession of the ignition key furnished by the lessor or establishes that the ignition key furnished by the lessor was not in the car at the time of the theft; and~~

~~(2) Files an official report of the theft with an appropriate law enforcement agency within 24 hours after learning of the theft and cooperates with the lessor and the law enforcement agency in providing information concerning the theft.~~

~~➥ The lessor may rebut the presumption set forth in this paragraph by establishing that an authorized driver committed or aided and abetted the commission of the theft.~~**]**

~~(d) Physical damage to the car, up to and including its fair market value, resulting from vandalism .~~ **[**~~occurring after or in connection with the theft of the car, except that the lessee has no liability for any damage resulting from vandalism if the lessee has no liability for theft pursuant to paragraph (c).~~

~~(e) Physical damage to the car and loss of use of the car, up to $500, resulting from vandalism not related to the theft of the car and not caused by the lessee.~~**]**

~~***(e) [The diminished value of the car resulting from any physical or mechanical damage for which the lessee is liable.***~~

~~(f)~~**]** ~~Loss of use of the car if the lessee is liable for damage or loss.~~

[~~(g)~~**]** ***(f)*** ~~Actual charges for towing and storage and impound fees paid by the lessor if the lessee is liable for damage or loss.~~

[~~(h)~~**]** ***(g)*** ~~An administrative charge that includes the cost of appraisal and other costs incident to the damage, loss, loss of use, repair or replacement of the car.~~

~~2. For the purposes of this section, the fair market value must be determined in the customary market for the sale of the leased passenger car.~~**]**

(Deleted by amendment.)

Sec. 4. **[**~~NRS 482.3154 is hereby amended to read as follows:~~

~~482.3154 1. The total amount of the short-term lessee's liability to the short-term lessor resulting from damage to a leased passenger car must not exceed the sum of the following:~~

~~(a) The estimated cost for parts that the short-term lessor would have to pay to replace damaged parts. Any discount, price reduction or adjustment received by the lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the short-term lessee.~~

~~(b) The estimated cost of labor to replace damaged parts of the passenger car, which must not exceed the product of:~~

~~(1) The rate of labor usually paid by the lessor to replace parts of the type that were damaged; and~~

~~(2) The estimated time for replacement.~~

~~➥ Any discount, price reduction or adjustment received by the short-term lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the lessee.~~

~~(c) The estimated cost of labor to repair damaged parts of the passenger car, which must not exceed the lesser of:~~

~~(1) The product of the rate for labor usually paid by the short-term lessor to repair parts of the type that were damaged and the estimated time for repair; or~~

~~(2) The sum of the costs for estimated labor and parts determined pursuant to paragraphs (a) and (b) to replace the same parts.~~

~~➡ Any discount, price reduction or adjustment received by the short-term lessor must be subtracted from the estimate to the extent not already incorporated in the estimate or promptly credited or refunded to the lessee.~~

~~(d) *The diminished value of the passenger car.*~~

~~***(e)*** Except as otherwise provided in subsection 2, the loss of use of the leased passenger car, which must not exceed the product of:~~

~~(1) The rate for the car stated in the short-term lessee's lease, excluding all optional charges; and~~

~~(2) The total of the estimated time for replacement and the estimated time for repair. For the purpose of converting the estimated time for repair into the same unit of time in which the rate of the lease is expressed, a day shall be deemed to consist of 8 hours.~~

~~[~~(c)~~]~~ ~~*(f)* Actual charges for towing and storage and impound fees paid by the short-term lessor.~~

~~2. Under any of the circumstances described in NRS 482.31555, the short-term lessor's loss of use of the passenger car must not exceed the product of:~~

~~(a) The rate for the car stated in the short-term lessee's lease, excluding all optional charges; and~~

~~(b) The period from the date of an accident to the date the car is ready to be returned to service if the lessor uses his best efforts to repair and return the car to service as soon as practicable.~~

~~3. An administrative charge pursuant to paragraph (h) of subsection 1 of NRS 482.31535 must not exceed:~~

~~(a) Fifty dollars if the total estimated cost for parts and labor is more than $100 and less than or equal to $500.~~

~~(b) One hundred dollars if the total estimated cost for parts and labor is more than $500 and less than or equal to $1,500.~~

~~(c) One hundred and fifty dollars if the total estimated cost for parts and labor is more than $1,500.~~

~~➡ No administrative charge may be imposed if the total estimated cost of parts and labor is $100 or less.~~~~]~~ **(Deleted by amendment.)**

Sec. 5. NRS 482.31555 is hereby amended to read as follows:

482.31555 A short-term lessor may provide in a lease of a passenger car that a waiver of damages does not apply in the following circumstances:

1. Damage or loss resulting from an authorized driver's:

(a) Intentional, willful, wanton or reckless conduct.

(b) Operation of the car in violation of NRS 484.379.

(c) Towing or pushing with the car.

(d) Operation of the car on an unpaved road if the damage or loss is a direct result of the road or driving conditions.

2. Damage or loss occurring when the passenger car is:

(a) Used for hire.

(b) Used in connection with conduct that constitutes a felony.

(c) Involved in a speed test or contest or in driver training activity.

(d) Operated by a person other than an authorized driver.

(e) Operated in a foreign country or outside of the States of Nevada, Arizona, California, Idaho, Oregon and Utah, unless the lease expressly provides that the passenger car may be operated in other locations.

3. An authorized driver providing:

(a) Fraudulent information to the short-term lessor.

(b) False information to the lessor and the lessor would not have leased the passenger car if he had received true information.

4. Damage or loss resulting from the theft of the passenger car if committed by an authorized driver or a person aided or abetted by an authorized driver. A theft is presumed to have been committed by a person other than an authorized driver or a person aided or abetted by an authorized driver if the short-term lessee of the car:

(a) Has possession of the ignition key furnished by the lessor or establishes that the ignition key furnished by the lessor was not in the car at the time of the theft; and

(b) Files an official report of the theft with an appropriate law enforcement agency within 24 hours after learning of the theft and cooperates with the lessor and the law enforcement agency in providing information concerning the theft.

➥ The lessor may rebut the presumption set forth in this subsection by establishing that an authorized driver committed or aided and abetted another person in the commission of the theft.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 206.

AN ACT relating to the taxation of property; revising the provisions governing the calculation of certain partial abatements of taxes and the taxable value of improvements made on land, the designation of taxes on personal property as uncollectible and the taxation of open-space land **.** ~~**[which is converted to a higher use;]**~~ clarifying the provisions governing the notification, appeal and revision of the valuation of property on the

unsecured tax roll; ~~[delaying the required filing dates]~~ **revising the requirements** for certain **segregation and** statistical reports and **projections of assessed value; delaying the required filing date for** petitions for the review of certain determinations regarding the applicability of a partial abatement; postponing the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 8 of this bill require a county assessor to make certain projections of assessed valuation of property for an upcoming fiscal year that had been made under existing law by the Department of Taxation. (NRS 361.390) Additionally, section 8 revises the dates when a county assessor must file with the Department certain statistical and segregation reports showing assessed values of property.

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, certain single-family residences and certain residential rental dwellings. (NRS 361.4722, 361.4723, 361.4724) **Sections ~~[1]~~ 2 and ~~[8-10]~~ 9-11** of this bill revise the formula for calculating the partial abatement in such a manner as to lower the cap on the tax liability of an owner of real property when the taxable value of the property is reduced as a result of the partial or complete destruction or removal of an improvement to the property or the correction of an overassessment of an improvement because of a factual error. **Section ~~[12]~~ 13** of this bill changes the date by which a petition must be filed for the review of a county assessor's determination regarding the applicability of a partial abatement from January 15 to the last day of the fiscal year for which the determination is effective. (NRS 361.4734)

Section ~~[2]~~ 3 of this bill allows a county assessor, when determining the cost to replace an improvement on land for the purpose of calculating taxable value, to use the **final** plans, drawings and other representations prepared by the architect or builder of the improvement to establish its size or quantity. (NRS 361.227)

Section ~~[3]~~ 4 of this bill provides statutory clarification that **a county assessor must provide notice of the assessed valuation of property on the secured tax roll on or before December 18 of the fiscal year in which the property is appraised or reappraised, but** the individual tax bills provided to the owners of **personal** property **billed** on the unsecured tax roll serve as notification of the assessed valuation of **~~[the]~~ that** property**.** ~~[after the regular appraisal or reappraisal of the property by the county assessor.]~~ (NRS 361.300)

Under existing law, a taxpayer desiring to appeal the assessment of property placed on the unsecured tax roll must, if the property was assessed after December 15 and on or before April 30, file that appeal with the State

Board of Equalization on or before May 15. (NRS 361.360) **Sections ~~[4-6]~~ 5-7** of this bill provide statutory clarification that a taxpayer desiring to appeal the assessment of property on the unsecured tax roll which was assessed at any other time may file that appeal with the county board of equalization on or before January 15. (NRS 361.345, 361.356, 361.357)

~~[Section 7 of this bill changes from July 31 to August 10 the date by which a county assessor must file with the Department of Taxation a statistical report showing values of property on the secured tax roll. (NRS 361.390)]~~

Existing law authorizes a county assessor to seize the personal property of a person who neglects or refuses to pay property taxes, and requires the county assessor to post a notice of the seizure within the immediate vicinity of the seized property before selling the property at public auction. (NRS 361.535) **Section ~~[13]~~ 14** of this bill makes it a gross misdemeanor for a person to remove, deface, cover or conceal that notice, or to move or sell, attempt to move or sell or assist another person to move or sell the seized property, before the delinquent taxes are paid.

Existing law allows a county tax receiver to petition the board of county commissioners to designate certain taxes on personal property as uncollectible, thereby relieving the tax receiver from liability for the failure to collect those taxes. (NRS 361.5607) **Section ~~[14]~~ 15** of this bill revises the criteria under which such a petition is authorized to require in every case that all appropriate collection procedures were followed without success, and that either the taxes have been delinquent for at least 3 years or the amount of the taxes is $25 or less.

Existing law requires the assessment of a golf course as open-space property and the payment of deferred property taxes when any open-space property is converted to a higher use. (NRS 361A.170, 361A.280) **Section ~~[16]~~ 18** of this bill specifies criteria for determining when a golf course ~~[has been converted to a higher use. (NRS 361A.031)]~~ **becomes disqualified for open-space use assessment. (NRS 361A.230)** **Sections ~~[15 and 18]~~ 16 and 20** of this bill clarify the amount of deferred property taxes due upon the conversion of any open-space property to a higher use.

Under existing law, 2 percent of the property taxes collected for each county on personal property and the net proceeds of mines must be deposited into an account for the acquisition and improvement of technology in the office of the county assessor. (NRS 361.530, 362.170) **Sections ~~[20, 21 and 22]~~ 22, 23 and 24** of this bill provide for the continuation of this funding during the next biennium by postponing its prospective expiration until June 30, 2011.

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

Section 1. **NRS 360.690 is hereby amended to read as follows:**

360.690 1. Except as otherwise provided in NRS 360.730, the Executive Director shall estimate monthly the amount each local

government, special district and enterprise district will receive from the Account pursuant to the provisions of this section.

2. The Executive Director shall establish a base monthly allocation for each local government, special district and enterprise district by dividing the amount determined pursuant to NRS 360.680 for each local government, special district and enterprise district by 12, and the State Treasurer shall, except as otherwise provided in subsections 3 to 8, inclusive, remit monthly that amount to each local government, special district and enterprise district.

3. If, after making the allocation to each enterprise district for the month, the Executive Director determines there is not sufficient money available in the county's subaccount in the Account to allocate to each local government and special district the base monthly allocation determined pursuant to subsection 2, he shall prorate the money in the county's subaccount and allocate to each local government and special district an amount equal to its proportionate percentage of the total amount of the base monthly allocations determined pursuant to subsection 2 for all local governments and special districts within the county. The State Treasurer shall remit that amount to the local government or special district.

4. Except as otherwise provided in subsections 5 to 8, inclusive, if the Executive Director determines that there is money remaining in the county's subaccount in the Account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by the sum of the:

(I) Average percentage of change in the population of the local government over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected ~~[by the Department]~~ pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected ~~[by the Department]~~ pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

➥ The State Treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

5. Except as otherwise provided in subsection 6 or 7, if the Executive Director determines that there is money remaining in the county's subaccount in the Account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district and that the average amount over the 5 fiscal years immediately preceding the year in which the allocation is made of the assessed valuation of taxable property which is attributable to the net proceeds of minerals in the county is equal to at least $50,000,000 or that the average percentage of change in population of the county over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9, is a negative figure or that the average amount over the 5 fiscal years immediately preceding the year in which the allocation is made of the assessed valuation of taxable property which is attributable to the net proceeds of minerals in the county is equal to at least $50,000,000 and the average percentage of change in population of the county over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9, is a negative figure, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the sum of the:

(I) Average percentage of change in the population of the local government over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation

attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected ~~[by the Department]~~ pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected ~~[by the Department]~~ pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

➥ The State Treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

6. Except as otherwise provided in subsection 8, if the Executive Director determines that there is money remaining in the county's subaccount in the Account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, that the sum of the average percentage of change in population and the average percentage of change in the assessed valuation of taxable property, as calculated pursuant to subparagraph (1) of paragraph (a) of subsection 4 for each of those local governments, is a negative figure, and that the average change in the assessed valuation of the taxable property in each of those special districts, as calculated pursuant to subparagraph (1) of paragraph (b) of subsection 4, is a negative figure, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the sum of the:

(I) Average percentage of change in the population of the local government over the 5 fiscal years immediately preceding the year in which

the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected ~~[by the Department]~~ pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected ~~[by the Department]~~ pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

➥ The State Treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

7. Except as otherwise provided in subsection 8, if the Executive Director determines that there is money remaining in the county's subaccount in the Account after the base monthly allocation determined pursuant to subsection 2 has been allocated to each local government, special district and enterprise district, that the sum of the average percentage of change in population and the average percentage of change in the assessed valuation of taxable property, as calculated pursuant to subparagraph (1) of paragraph (a) of subsection 4 for each of those local governments, is a negative figure, and that the average change in the assessed valuation of the taxable property in any of those special districts, as calculated pursuant to subparagraph (1) of paragraph (b) of subsection 4, is a positive figure, he shall immediately determine and allocate each:

(a) Local government's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the sum of the:

(I) Average percentage of change in the population of the local government over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

(II) Average percentage of change in the assessed valuation of the taxable property in the local government, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected ~~[by the Department]~~ pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each local government an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (b), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount; and

(b) Special district's share of the remaining money by:

(1) Multiplying one-twelfth of the amount allocated pursuant to NRS 360.680 by 1 plus the sum of the:

(I) Average percentage of change in the population of the county over the 5 fiscal years immediately preceding the year in which the allocation is made, as certified by the Governor pursuant to NRS 360.285, except as otherwise provided in subsection 9; and

(II) Average change in the assessed valuation of the taxable property in the special district, including assessed valuation attributable to a redevelopment agency but excluding the portion attributable to the net proceeds of minerals, over the year in which the allocation is made, as projected ~~[by the Department]~~ pursuant to NRS 361.390, and the 4 fiscal years immediately preceding the year in which the allocation is made; and

(2) Using the figure calculated pursuant to subparagraph (1) to calculate and allocate to each special district an amount equal to the proportion that the figure calculated pursuant to subparagraph (1) bears to the total amount of the figures calculated pursuant to subparagraph (1) of this paragraph and subparagraph (1) of paragraph (a), respectively, for the local governments and special districts located in the same county multiplied by the total amount available in the subaccount.

➥ The State Treasurer shall remit the amount allocated to each local government or special district pursuant to this subsection.

8. The Executive Director shall not allocate any amount to a local government or special district pursuant to subsection 4, 5, 6 or 7 unless the amount distributed and allocated to each of the local governments and special districts in the county in each preceding month of the fiscal year in which the

allocation is to be made was at least equal to the base monthly allocation determined pursuant to subsection 2. If the amounts distributed to the local governments and special districts in the county for the preceding months of the fiscal year in which the allocation is to be made were less than the base monthly allocation determined pursuant to subsection 2 and the Executive Director determines there is money remaining in the county's subaccount in the Account after the distribution for the month has been made, he shall:

(a) Determine the amount by which the base monthly allocations determined pursuant to subsection 2 for each local government and special district in the county for the preceding months of the fiscal year in which the allocation is to be made exceeds the amounts actually received by the local governments and special districts in the county for the same period; and

(b) Compare the amount determined pursuant to paragraph (a) to the amount of money remaining in the county's subaccount in the Account to determine which amount is greater.

➥ If the Executive Director determines that the amount determined pursuant to paragraph (a) is greater, he shall allocate the money remaining in the county's subaccount in the Account pursuant to the provisions of subsection 3. If the Executive Director determines that the amount of money remaining in the county's subaccount in the Account is greater, he shall first allocate the money necessary for each local government and special district to receive the base monthly allocation determined pursuant to subsection 2 and the State Treasurer shall remit that money so allocated. The Executive Director shall allocate any additional money in the county's subaccount in the Account pursuant to the provisions of subsection 4, 5, 6 or 7, as appropriate.

9. The percentage changes in population calculated pursuant to subsections 4 to 7, inclusive, must:

(a) Except as otherwise provided in paragraph (c), if the Bureau of the Census of the United States Department of Commerce issues population totals that conflict with the totals certified by the Governor pursuant to NRS 360.285, be an estimate of the change in population for the calendar year, based upon the population totals issued by the Bureau of the Census.

(b) If a new method of determining population is established pursuant to NRS 360.283, be adjusted in a manner that will result in the percentage change being based on population determined pursuant to the new method for both the fiscal year in which the allocation is made and the fiscal year immediately preceding the year in which the allocation is made.

(c) If a local government files a formal appeal with the Bureau of the Census concerning the population total of the local government issued by the Bureau of the Census, be calculated using the population total certified by the Governor pursuant to NRS 360.285 until the appeal is resolved. If additional money is allocated to the local government because the population total certified by the Governor is greater than the population total issued by the Bureau of the Census, the State Treasurer shall deposit that additional money

in a separate interest-bearing account. Upon resolution of the appeal, if the population total finally determined pursuant to the appeal is:

(1) Equal to or less than the population total initially issued by the Bureau of the Census, the State Treasurer shall transfer the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, to the Local Government Tax Distribution Account for allocation among the local governments in the county pursuant to subsection 4, 5, 6 or 7, as appropriate.

(2) Greater than the population total initially issued by the Bureau of the Census, the Executive Director shall calculate the amount that would have been allocated to the local government pursuant to subsection 4, 5, 6 or 7, as appropriate, if the population total finally determined pursuant to the appeal had been used and the State Treasurer shall remit to the local government an amount equal to the difference between the amount actually distributed and the amount calculated pursuant to this subparagraph or the total amount in the separate interest-bearing account, including interest but excluding any administrative fees, whichever is less.

10. On or before February 15 of each year, the Executive Director shall provide to each local government, special district and enterprise district a preliminary estimate of the revenue it will receive from the Account for that fiscal year.

11. On or before March 15 of each year, the Executive Director shall:

(a) Make an estimate of the receipts from each tax included in the Account on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles, including an estimate for each county of the receipts from each tax included in the Account; and

(b) Provide to each local government, special district and enterprise district an estimate of the amount that local government, special district or enterprise district would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

12. A local government, special district or enterprise district may use the estimate provided by the Executive Director pursuant to subsection 11 in the preparation of its budget.

~~[Section 1.]~~ ***Sec. 2.*** Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

If the taxable value of an improvement to real property is reduced as a result of:

1. The partial or complete destruction or removal of the improvement; or

2. The correction pursuant to NRS 361.768 of an overassessment of the improvement because of a factual error,

➥ then for the purpose of calculating the amount of any partial abatement to which the owner of the real property is entitled pursuant to NRS 361.4722, 361.4723 or 361.4724 for the initial fiscal year for which that reduction in taxable value applies, the amount determined for the

immediately preceding fiscal year pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724, as applicable, must be reduced by the same percentage as the taxable value of the real property is reduced for that initial fiscal year as a result of the partial or complete destruction or removal of the improvement to the property or the correction of the overassessment of the improvement to the property.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 361.227 is hereby amended to read as follows:

361.227 1. Any person determining the taxable value of real property shall appraise:

(a) The full cash value of:

(1) Vacant land by considering the uses to which it may lawfully be put, any legal or physical restrictions upon those uses, the character of the terrain, and the uses of other land in the vicinity.

(2) Improved land consistently with the use to which the improvements are being put.

(b) Any improvements made on the land by subtracting from the cost of replacement of the improvements all applicable depreciation and obsolescence. Depreciation of an improvement made on real property must be calculated at 1.5 percent of the cost of replacement for each year of adjusted actual age of the improvement, up to a maximum of 50 years.

2. The unit of appraisal must be a single parcel unless:

(a) The location of the improvements causes two or more parcels to function as a single parcel;

(b) The parcel is one of a group of contiguous parcels which qualifies for valuation as a subdivision pursuant to the regulations of the Nevada Tax Commission; or

(c) In the professional judgment of the person determining the taxable value, the parcel is one of a group of parcels which should be valued as a collective unit.

3. The taxable value of a leasehold interest, possessory interest, beneficial interest or beneficial use for the purpose of NRS 361.157 or 361.159 must be determined in the same manner as the taxable value of the property would otherwise be determined if the lessee or user of the property was the owner of the property and it was not exempt from taxation, except that the taxable value so determined must be reduced by a percentage of the taxable value that is equal to the:

(a) Percentage of the property that is not actually leased by the lessee or used by the user during the fiscal year; and

(b) Percentage of time that the property is not actually leased by the lessee or used by the user during the fiscal year, which must be determined in accordance with NRS 361.2275.

4. The taxable value of other taxable personal property, except a mobile or manufactured home, must be determined by subtracting from the cost of

replacement of the property all applicable depreciation and obsolescence. Depreciation of a billboard must be calculated at 1.5 percent of the cost of replacement for each year after the year of acquisition of the billboard, up to a maximum of 50 years.

5. The computed taxable value of any property must not exceed its full cash value. Each person determining the taxable value of property shall reduce it if necessary to comply with this requirement. A person determining whether taxable value exceeds that full cash value or whether obsolescence is a factor in valuation may consider:

(a) Comparative sales, based on prices actually paid in market transactions.

(b) A summation of the estimated full cash value of the land and contributory value of the improvements.

(c) Capitalization of the fair economic income expectancy or fair economic rent, or an analysis of the discounted cash flow.

➥ A county assessor is required to make the reduction prescribed in this subsection if the owner calls to his attention the facts warranting it, if he discovers those facts during physical reappraisal of the property or if he is otherwise aware of those facts.

6. The Nevada Tax Commission shall, by regulation, establish:

(a) Standards for determining the cost of replacement of improvements of various kinds.

(b) Standards for determining the cost of replacement of personal property of various kinds. The standards must include a separate index of factors for application to the acquisition cost of a billboard to determine its replacement cost.

(c) Schedules of depreciation for personal property based on its estimated life.

(d) Criteria for the valuation of two or more parcels as a subdivision.

7. In determining ***, for the purpose of computing taxable value,*** the cost of replacement of ***:***

(a) Any personal property ***,*** ~~[~~~~for the purpose of computing taxable value,~~]~~ the cost of all improvements of the personal property, including any additions to or renovations of the personal property, but excluding routine maintenance and repairs, must be added to the cost of acquisition of the personal property.

(b) An improvement made on land, a county assessor may use any final representations of the improvement ~~*[that are]*~~ ***prepared by the architect or builder of the improvement, including, without limitation, any final building plans, drawings, sketches and surveys, and any specifications included in such representations, as a basis for establishing any relevant measurements of size or quantity.***

8. The county assessor shall, upon the request of the owner, furnish within 15 days to the owner a copy of the most recent appraisal of the property, including, without limitation, copies of any sales data, materials presented on appeal to the county board of equalization or State Board of

Equalization and other materials used to determine or defend the taxable value of the property.

9. The provisions of this section do not apply to property which is assessed pursuant to NRS 361.320.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county.

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow him a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause such list and valuations to be printed and delivered by the county assessor or mailed by him on or before January 1 of the fiscal year in which assessment is made to each taxpayer in the county; or

(b) To cause such list and valuations to be published once on or before January 1 of the fiscal year in which assessment is made in a newspaper of general circulation in the county.

➥ In addition to complying with paragraph (a) or (b), the list and valuations may also be posted in a public area of the public libraries and branch libraries located in the county, in a public area of the county courthouse and the county office building in which the county assessor's office is located, and on a website or other Internet site that is operated or administered by or on behalf of the county or county assessor.

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in paragraph (a) of subsection 3, to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever ***:***

(a) Any property ***on*** ~~[:~~

~~*(a) The]*~~ ***the secured tax roll*** is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal.

~~*(b) [The]*~~ ***Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the assessed valuation of the property as determined from the appraisal or reappraisal.***

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 361.345 is hereby amended to read as follows:

361.345 1. Except as otherwise provided in subsection 2, the county board of equalization may ~~[~~determine~~]~~ ***:***

(a) Determine the valuation of any ***real or personal*** property ***placed on:***

(1) The secured tax roll which was assessed by the county assessor ~~[~~, and may change~~]~~ ***; or***

(2) The unsecured tax roll which was assessed by the county assessor on or after May 1 and on or before December 15; and

(b) Change and correct any valuation found to be incorrect either by adding thereto or by deducting therefrom such sum as is necessary to make it conform to the taxable value of the property assessed, whether that valuation was fixed by the owner or the county assessor. The county board of equalization may not reduce the assessment of the county assessor unless it is established by a preponderance of the evidence that the valuation established by the county assessor exceeds the full cash value of the property or is inequitable. A change so made is effective only for the fiscal year for which the assessment was made. The county assessor shall each year review all such changes made for the previous fiscal year and maintain or remove each change as circumstances warrant.

2. If a person complaining of the assessment of his property:

(a) Has refused or, without good cause, has neglected to give the county assessor his list under oath, as required by NRS 361.265; or

(b) Has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination required by NRS 361.260,

➥ the county assessor shall make a reasonable estimate of the property and assess it accordingly. No reduction may be made by the county board of equalization from the assessment of the county assessor made pursuant to this subsection.

3. If the county board of equalization finds it necessary to add to the assessed valuation of any property on the assessment roll, it shall direct the clerk to give notice to the person so interested by registered or certified letter, or by personal service, naming the day when it will act on the matter and allowing a reasonable time for the interested person to appear.

~~[Sec. 5.]~~ ***Sec. 6.*** NRS 361.356 is hereby amended to read as follows:

361.356 1. An owner of ***any real or personal*** property ***placed on:***

(a) The secured tax roll who believes that his property was assessed at a higher value than another property whose use is identical and whose location is comparable may appeal the assessment, on or before January 15 of the fiscal year in which the assessment was made, to the county board of equalization. If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

(b) The unsecured tax roll which was assessed on or after May 1 and on or before December 15 who believes that his property was assessed at a higher value than another property whose use is identical and whose location is comparable may appeal the assessment, on or before the following January 15, to the county board of equalization. If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. Before a person may file an appeal pursuant to subsection 1, the person must complete a form provided by the county assessor to appeal the assessment to the county board of equalization. The county assessor may, before providing such a form, require the person requesting the form to provide the parcel number or other identification number of the property that is the subject of the planned appeal.

3. If the board finds that an inequity exists in the assessment of the value of the land or the value of the improvements, or both, the board may add to or deduct from the value of the land or the value of the improvements, or both, either of the appellant's property or of the property to which it is compared, to equalize the assessment.

4. In the case of residential property, the appellant shall cite other property within the same subdivision if possible.

~~[Sec. 6.]~~ ***Sec. 7.*** NRS 361.357 is hereby amended to read as follows:

361.357 1. The owner of any ***real or personal*** property ***placed on:***

(a) The secured tax roll who believes that the full cash value of his property is less than the taxable value computed for the property in the current assessment year ~~[,]~~ may, not later than January 15 of the fiscal year in which the assessment was made, appeal to the county board of equalization. If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

(b) The unsecured tax roll which was assessed on or after May 1 and on or before December 15 who believes that the full cash value of his property is less than the taxable value computed for the property in the current assessment year may, not later than the following January 15, appeal to the county board of equalization. If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. Before a person may file an appeal pursuant to subsection 1, the person must complete a form provided by the county assessor to appeal the assessment to the county board of equalization. The county assessor may, before providing such a form, require the person requesting the form to provide the parcel number or other identification number of the property that is the subject of the planned appeal.

3. If the county board of equalization finds that the full cash value of the property on January 1 immediately preceding the fiscal year for which the taxes are levied is less than the taxable value computed for the property, the board shall correct the land value or fix a percentage of obsolescence to be deducted from the otherwise computed taxable value of the improvements, or both, to make the taxable value of the property correspond as closely as possible to its full cash value.

4. No appeal under this section may result in an increase in the taxable value of the property.

~~[Sec. 7.]~~ ***Sec. 8.*** NRS 361.390 is hereby amended to read as follows:

361.390 Each county assessor shall:

1. File with or cause to be filed with the Secretary of the State Board of Equalization, on or before March 10 of each year, the tax roll, or a true copy thereof, of his county for the current year as corrected by the county board of equalization.

2. Prepare and file with the Department on or before January 31, ~~[and again on or before]~~ March 5 ***and October 31*** of each year, a segregation report showing the assessed values for each taxing entity within the county on a form prescribed by the Department. The assessor shall make any projections required for the current fiscal year ~~[,]~~ ***and the upcoming fiscal year regarding real and personal property for which the taxable value is determined by the assessor.*** The Department shall make any projections required for the upcoming fiscal year ~~[,]~~ ***regarding the net proceeds of minerals and any property for which the taxable value is determined by the Nevada Tax Commission.***

3. Prepare and file with the Department on or before ~~[July 31]~~ ~~*[August 10 for the secured roll and on or before]*~~ May 5 for the unsecured roll, ***on or***

before August 10 for the secured roll, and on or before October 31 for the unsecured roll and the secured roll, a statistical report showing values for all categories of property on a form prescribed by the Department.

~~[Sec. 8.]~~ ***Sec. 9.*** NRS 361.4722 is hereby amended to read as follows:

361.4722 1. Except as otherwise provided in or required to carry out the provisions of subsection 3 and NRS 361.4725 to 361.4728, inclusive, ***and section ~~[1]~~ 2 of this act,*** the owner of any parcel or other taxable unit of property, including property entered on the central assessment roll, for which an assessed valuation was separately established for the immediately preceding fiscal year is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) Zero; or

(2) Eight percent,

➥ whichever is less.

2. Except as otherwise provided in or required to carry out the provisions of NRS 361.4725 to 361.4728, inclusive, ***and section ~~[1]~~ 2 of this act,*** the owner of any remainder parcel of real property for which no assessed valuation was separately established for the immediately preceding fiscal year, is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for a fiscal year equal to the amount by which the

product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any amount of that assessed valuation attributable to any improvement to or change in the actual or authorized use of the property that would not have been included in the calculation of the assessed valuation of the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if an assessed valuation had been separately established for that property for that prior fiscal year based upon all the assumptions, costs, values, calculations and other factors and considerations that would have been used for the valuation of that property for that prior fiscal year, and if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) A percentage of the amount determined pursuant to paragraph (a) which is equal to:

(1) The greater of:

(I) The average percentage of change in the assessed valuation of all the taxable property in the county, as determined by the Department, over the fiscal year in which the levy is made and the 9 immediately preceding fiscal years;

(II) Twice the percentage of increase in the Consumer Price Index for all Urban Consumers, U.S. City Average (All Items) for the immediately preceding calendar year; or

(III) Zero; or

(2) Eight percent,

➥ whichever is less.

3. The provisions of subsection 1 do not apply to any property for which the provisions of subsection 1 of NRS 361.4723 or subsection 1 of NRS 361.4724 provide a greater abatement from taxation.

4. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsections 1 and

2 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

5. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to ensure that this section is carried out in a uniform and equal manner.

6. For the purposes of this section, "remainder parcel of real property" means a parcel of real property which remains after the creation of new parcels of real property for development from one or more existing parcels of real property, if the use of that remaining parcel has not changed from the immediately preceding fiscal year.

~~[Sec. 9.]~~ ***Sec. 10.*** NRS 361.4723 is hereby amended to read as follows:

361.4723 The Legislature hereby finds and declares that an increase in the tax bill of the owner of a home by more than 3 percent over the tax bill of that homeowner for the previous year constitutes a severe economic hardship within the meaning of subsection 10 of Section 1 of Article 10 of the Nevada Constitution. The Legislature therefore directs a partial abatement of taxes for such homeowners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, ***and section*** ~~*[1]*~~ ***2 of this act,*** the owner of a single-family residence which is the primary residence of the owner is entitled to a partial abatement of the ad valorem taxes levied in a county on that property each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to any property for which:

(a) No assessed valuation was separately established for the immediately preceding fiscal year; or

(b) The provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section, including, without limitation, regulations providing a methodology for applying the partial abatement provided pursuant to subsection 1 to a parcel of real property of which only a portion qualifies as a single-family residence which is the primary residence of the owner and the remainder is used in another manner.

5. The owner of a single-family residence does not become ineligible for the partial abatement provided pursuant to subsection 1 as a result of:

(a) The operation of a home business out of a portion of that single-family residence; or

(b) The manner in which title is held by the owner if the owner occupies the residence, including, without limitation, if the owner has placed the title in a trust for purposes of estate planning.

6. For the purposes of this section:

(a) "Primary residence of the owner" means a residence which:

(1) Is designated by the owner as the primary residence of the owner in this State, exclusive of any other residence of the owner in this State; and

(2) Is not rented, leased or otherwise made available for exclusive occupancy by any person other than the owner of the residence and members of the family of the owner of the residence.

(b) "Single-family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

(c) "Unit of personal property" includes, without limitation, any:

(1) Mobile or manufactured home, whether or not the owner thereof also owns the real property upon which it is located; or

(2) Taxable unit of a condominium, common-interest community, planned unit development or similar property,

➥ if classified as personal property for the purposes of this chapter.

(d) "Unit of real property" includes, without limitation, any taxable unit of a condominium, common-interest community, planned unit development or similar property, if classified as real property for the purposes of this chapter.

~~[Sec. 10.]~~ ***Sec. 11.*** NRS 361.4724 is hereby amended to read as follows:

361.4724 The Legislature hereby finds and declares that many Nevadans who cannot afford to own their own homes would be adversely affected by large unanticipated increases in property taxes, as those tax increases are passed down to renters in the form of rent increases and therefore the benefits of a charitable exemption pursuant to subsection 8 of Section 1 of Article 10 of the Nevada Constitution should be afforded to those Nevadans through an abatement granted to the owners of residential rental dwellings who charge rent that does not exceed affordable housing standards for low-income housing. The Legislature therefore directs a partial abatement of taxes for such owners as follows:

1. Except as otherwise provided in or required to carry out the provisions of subsection 2 and NRS 361.4725 to 361.4728, inclusive, ***and section*** ~~*[1]*~~ ***2 of this act,*** if the amount of rent collected from each of the tenants of a residential dwelling does not exceed the fair market rent for the county in which the dwelling is located, as most recently published by the United States Department of Housing and Urban Development, the owner of the dwelling is entitled to a partial abatement of the ad valorem taxes levied in a county on that property for each fiscal year equal to the amount by which the product of the combined rate of all ad valorem taxes levied in that county on the property for that fiscal year and the amount of the assessed valuation of the property which is taxable in that county for that fiscal year, excluding any increase in the assessed valuation of the property from the immediately preceding fiscal year as a result of any improvement to or change in the actual or authorized use of the property, exceeds the sum obtained by adding:

(a) The amount of all the ad valorem taxes:

(1) Levied in that county on the property for the immediately preceding fiscal year; or

(2) Which would have been levied in that county on the property for the immediately preceding fiscal year if not for any exemptions from taxation that applied to the property for that prior fiscal year but do not apply to the property for the current fiscal year,

➥ whichever is greater; and

(b) Three percent of the amount determined pursuant to paragraph (a).

2. The provisions of subsection 1 do not apply to:

(a) Any hotels, motels or other forms of transient lodging;

(b) Any property for which no assessed valuation was separately established for the immediately preceding fiscal year; and

(c) Any property for which the provisions of subsection 1 of NRS 361.4722 provide a greater abatement from taxation.

3. Except as otherwise required to carry out the provisions of NRS 361.4732 and any regulations adopted pursuant to NRS 361.4733, the amount of any reduction in the ad valorem taxes levied in a county for a fiscal year as a result of the application of the provisions of subsection 1 must be deducted from the amount of ad valorem taxes each taxing entity would otherwise be entitled to receive for that fiscal year in the same proportion as the rate of ad valorem taxes levied in the county on the property by or on behalf of that taxing entity for that fiscal year bears to the combined rate of all ad valorem taxes levied in the county on the property by or on behalf of all taxing entities for that fiscal year.

4. The Nevada Tax Commission shall adopt such regulations as it deems appropriate to carry out this section.

~~[Sec. 11.]~~ ***Sec. 12.*** NRS 361.4732 is hereby amended to read as follows:

361.4732 Except as otherwise required to carry out ***the provisions of section*** ~~*[1]*~~ ***2 of this act and*** any regulations adopted pursuant to NRS 361.4733 **,** and notwithstanding any other provision of NRS 361.471 to 361.4735, inclusive, ***and section*** ~~*[1]*~~ ***2 of this act*** to the contrary, after a parcel or other taxable unit of real property is annexed to a taxing entity:

1. The amount otherwise required to be determined pursuant to paragraph (a) of subsection 1 of NRS 361.4722, paragraph (a) of subsection 2 of NRS 361.4722, paragraph (a) of subsection 1 of NRS 361.4723 or paragraph (a) of subsection 1 of NRS 361.4724 with respect to that property for the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the amount of ad valorem taxes which would have been levied on the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier, based upon the tax rates that would have applied to the property for the immediately preceding fiscal year if the annexation had occurred 1 year earlier and without regard to any exemptions from taxation that applied to the property for the immediately preceding fiscal year but do not apply to the property for the current fiscal year; and

2. For the purposes of any other calculations required pursuant to the provisions of NRS 361.471 to 361.4735, inclusive, ***and section*** ~~*[1]*~~ ***2 of this act,*** the combined overlapping tax rate applicable to that property for the fiscal year immediately preceding the first fiscal year in which that taxing entity is entitled to levy or require the levy on its behalf of any ad valorem taxes on the property as a result of that annexation of the property, shall be deemed to be the combined overlapping tax rate that would have applied to the property for that year if the annexation had occurred 1 year earlier.

~~[Sec. 12.]~~ ***Sec. 13.*** NRS 361.4734 is hereby amended to read as follows:

361.4734 1. A taxpayer who is aggrieved by a determination of the applicability of a partial abatement from taxation pursuant to NRS 361.4722,

361.4723 or 361.4724 may, if the property which is the subject of that determination:

(a) Is not valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the county assessor of the county in which the property is located. The petition must be submitted on or before ~~[January 15]~~ ***June 30*** of the fiscal year for which the determination is effective. The county assessor shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

(b) Is valued pursuant to NRS 361.320 or 361.323, submit a written petition for the review of that determination to the Department. The Department shall, within 30 days after receiving the petition, render a decision on the petition and notify the taxpayer of that decision.

2. A taxpayer who is aggrieved by a decision rendered by a county assessor or the Department pursuant to subsection 1 may, within 30 days after receiving notice of that decision, appeal the decision to the Nevada Tax Commission.

3. A taxpayer who is aggrieved by a determination of the Nevada Tax Commission rendered on an appeal made pursuant to subsection 2 is entitled to a judicial review of that determination.

~~[Sec. 13.]~~ ***Sec. 14.*** NRS 361.535 is hereby amended to read as follows:

361.535 1. If the person, company or corporation so assessed neglects or refuses to pay the taxes within 30 days after demand, the taxes become delinquent. If the person, company or corporation so assessed neglects or refuses to pay the taxes within 10 days after the taxes become delinquent, a penalty of 10 percent must be added. If the tax and penalty are not paid on demand, the county assessor or his deputy may seize, seal or lock enough of the personal property of the person, company or corporation so neglecting or refusing to pay to satisfy the taxes and costs. The county assessor may use alternative methods of collection, including, without limitation, the assistance of the district attorney.

2. The county assessor shall:

(a) Post a notice of the seizure, with a description of the property, in a public area of the county courthouse or the county office building in which the assessor's office is located, and within the immediate vicinity of the property being seized; and

(b) At the expiration of 5 days, proceed to sell at public auction, at the time and place mentioned in the notice, to the highest bidder, for lawful money of the United States, a sufficient quantity of the property to pay the taxes and expenses incurred. For this service, the county assessor must be allowed from the delinquent person a fee of $3. The county assessor is not required to sell the property if the highest bid received is less than the lowest acceptable bid indicated in the notice.

➥ ***A person who, after the notice of the seizure of the property is posted pursuant to this subsection within the immediate vicinity of the property being seized and before the delinquent taxes on the property are paid, and without the consent of the county assessor, removes, defaces, covers or otherwise conceals that notice, moves or sells the property, attempts to move or sell the property, or assists another person to move or sell the property, is guilty of a gross misdemeanor.***

3. If the personal property seized by the county assessor or his deputy consists of a mobile or manufactured home, an aircraft, or the personal property of a business, the county assessor shall publish a notice of the seizure once during each of 2 successive weeks in a newspaper of general circulation in the county. If the legal owner of the property is someone other than the registered owner and the name and address of the legal owner can be ascertained from public records, the county assessor shall, before publication, send a notice of the seizure by registered or certified mail to the legal owner. The cost of the publication and notice must be charged to the delinquent taxpayer. The notice must state:

(a) The name of the owner, if known.

(b) The description of the property seized, including the location, the make, model and dimensions and the serial number, body number or other identifying number.

(c) The fact that the property has been seized and the reason for seizure.

(d) The lowest acceptable bid for the sale of the property, which is the total amount of the taxes due on the property and the penalties and costs as provided by law.

(e) The time and place at which the property is to be sold.

➥ After the expiration of 5 days from the date of the second publication of the notice, the property must be sold at public auction in the manner provided in subsection 2 for the sale of other personal property by the county assessor.

4. Upon payment of the purchase money, the county assessor shall deliver to the purchaser of the property sold, with a certificate of the sale, a statement of the amount of taxes or assessment and the expenses thereon for which the property was sold, whereupon the title of the property so sold vests absolutely in the purchaser.

5. After a mobile or manufactured home, an aircraft, or the personal property of a business is sold and the county assessor has paid all the taxes and costs on the property, the county assessor shall deposit into the general fund of the county the first $300 of the excess proceeds from the sale. The county assessor shall deposit any remaining amount of the excess proceeds from the sale into an interest-bearing account maintained for the purpose of holding excess proceeds separate from other money of the county. If no claim is made for the money within 6 months after the sale of the property for which the claim is made, the county assessor shall pay the money into the general fund of the county. All interest paid on money deposited in the account pursuant to this subsection is the property of the county.

6. If the former owner of a mobile or manufactured home, aircraft, or personal property of a business that was sold pursuant to this section makes a claim in writing for the balance of the proceeds of the sale within 6 months after the completion of the sale, the county assessor shall pay the balance of the proceeds of the sale or the proper portion of the balance over to the former owner if the county assessor is satisfied that the former owner is entitled to it.

~~[Sec. 14.]~~ ***Sec. 15.*** NRS 361.5607 is hereby amended to read as follows:

361.5607 1. The tax receiver may petition the board of county commissioners to designate as uncollectible those taxes on personal property ~~[:]~~ ***for whose collection all appropriate procedures have been followed and have proved unsuccessful and:***

(a) Which have been delinquent for 3 years or more; ***or***

(b) Whose amount, including penalties and costs, is $25 or less ***.*** ~~[; and~~

~~(c) For whose collection all appropriate procedures have been followed and have proved unsuccessful.]~~

➥ The board may grant or deny the petition with respect to any or all of those taxes.

2. No future liability attaches to the county assessor or the county treasurer for any taxes designated as uncollectible by the board of county commissioners under this section.

~~[Sec. 15.]~~ ***Sec. 16.*** Chapter 361A of NRS is hereby amended by adding thereto a new section to read as follows:

When any portion of open-space land is converted to a higher use, the county assessor shall determine its taxable and open-space use values against which to compute the deferred tax for each fiscal year the property was under open-space assessment during the current fiscal year and the preceding 6 fiscal years, or such other period as is required pursuant to NRS 361A.283. The taxable values for each year must be comparable for the corresponding years to the taxable values for property similar, including, without limitation, in size, zoning and location, to the portion of property actually converted to a higher use. When open-space land that is used as a golf course is converted to a higher use, the taxable values for the property must be determined, for the purpose of computing the deferred tax, in accordance with the provisions of NRS 361.227 based upon the assessment of the land as a golf course.

~~[Sec. 16.]~~ ***Sec. 17.*** NRS 361A.031 is hereby amended to read as follows:

361A.031 1. "Converted to a higher use" means:

(a) ~~*[Except for property used as a golf course:*~~

~~*(1)]*~~ A physical alteration of the surface of the property enabling it to be used for a higher use;

(b) ~~[(2)]~~ The recording of a final map or parcel map which creates one or more parcels not intended for agricultural ***or open-space*** use;

(c) ~~*[(3)]*~~ The existence of a final map or parcel map which creates one or more parcels not intended for agricultural ***or open-space*** use; or

(d) ~~*[(4)]*~~ A change in zoning to a higher use made at the request of the owner.

~~*[(b) For property used as a golf course, the cessation of the use of the property for golfing or golfing practice, except when the cessation is due to:*~~

~~*(1) A seasonal closure of the property to such use; or*~~

~~*(2) A temporary closure of the property for maintenance, repairs or any other purpose that is incidental to such use or necessary for the continuation of such use.]*~~

2. The term does not apply to ~~[the property remaining after a]~~ ***any*** portion of the parcel ~~[is converted to a higher use pursuant to subparagraph (2) or (3) of~~ paragraph~~]~~ ~~[~~(b) or (c)~~]~~ ~~*[(a)*~~ of subsection 1 if the remaining portion~~]~~ ***that*** continues to qualify as agricultural ***or open-space*** real property.

3. The term does not include leasing the land to or otherwise permitting the land to be used by an agricultural association formed pursuant to chapter 547 of NRS.

4. As used in this section:

(a) "Final map" has the meaning ascribed to it in NRS 278.0145.

(b) "Parcel map" has the meaning ascribed to it in NRS 278.017.

Sec. 18. **NRS 361A.230 is hereby amended to read as follows:**

361A.230 1. The county assessor shall enter on the assessment roll the valuation based on open-space use until the property becomes disqualified for open-space use assessment by:

(a) Sale or transfer to an owner making it exempt from ad valorem property taxation;

(b) Removal of the open-space use assessment by the assessor, with the concurrence of the board, upon discovery that the property is no longer in the open-space use; ~~[or]~~

(c) ***If the open-space use assessment is based on the designation and classification of the property pursuant to subsection 1 of NRS 361A.170, the cessation of the use of the property for golfing or golfing practice, except for:***

(1) A seasonal closure of the property to such use;

(2) A temporary closure of the property for maintenance or repairs; or

(3) A temporary closure of the property, upon notification of the county assessor, for not more than 12 months for any other purpose that is incidental to such use or necessary for the continuation of such use; or

(d) If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170:

(1) Notification by the applicant to the assessor to remove the open-space use assessment; or

(2) Failure to file a new application as provided in NRS 361A.190.

2. Except as otherwise provided in paragraph (a) of subsection 1, the sale or transfer to a new owner or transfer by reason of death of a former owner

does not operate to disqualify open-space real property from open-space use assessment so long as the property continues to be used exclusively for an open-space use. If the open-space use assessment is based on a designation or classification adopted pursuant to subsection 2 of NRS 361A.170, the new owner must apply for open-space use assessment in the manner provided in NRS 361A.190.

3. Whenever open-space real property becomes disqualified under subsection 1, the county assessor shall send a written notice of disqualification by certified mail with return receipt requested to each owner of record. The notice must contain the assessed value for the ensuing fiscal year.

~~[Sec. 17.]~~ ***Sec. 19.*** NRS 361A.265 is hereby amended to read as follows:

361A.265 1. An owner of property which has received an agricultural or open-space use assessment:

(a) Must pay the full amount of deferred taxes calculated pursuant to NRS 361A.280 for any property for which a final map will be recorded pursuant to NRS 278.460 before the date on which the map is recorded ~~[.]~~ ***, if the existence or recording of the map will result in the conversion of any portion of the property to a higher use.***

(b) In all other cases may, before the conversion of any portion of the property to a higher use, pay the amount of deferred taxes which would be due upon the conversion of that property pursuant to NRS 361A.280.

2. An owner who desires to pay the deferred taxes must request, in writing, the county assessor to estimate the amount of the deferred taxes which would be due at the time of conversion. After receiving such a request, the county assessor shall estimate the amount of the deferred taxes due for the next property tax statement and report the amount to the owner.

3. An owner who voluntarily pays the deferred taxes may appeal the valuations and calculations upon which the deferred taxes were based in the manner provided in NRS 361A.273.

4. If a parcel that has been created after the secured tax roll has been closed is converted to a higher use, the assessor must change the roll to reflect the changes in the parcel or parcels and assess the new parcel or parcels at taxable value for the following fiscal year. The deferred tax must be assessed pursuant to NRS 361A.280.

~~[Sec. 18.]~~ ***Sec. 20.*** NRS 361A.280 is hereby amended to read as follows:

361A.280 If the county assessor is notified or otherwise becomes aware that a parcel or any portion of a parcel of real property which has received agricultural or open-space use assessment has been converted to a higher use ***,*** the county assessor shall add to the tax extended against that portion of the property on the next property tax statement the deferred tax, which is the difference between the taxes that would have been paid or payable on the basis of the agricultural or open-space use valuation and the taxes which

would have been paid or payable on the basis of the taxable value calculated pursuant to NRS 361A.155 ~~[,]~~ ***or section*** ~~*[15]*~~ ***16 of this act, as applicable,*** for each year in which agricultural or open-space use assessment was in effect for the property during the fiscal year in which the property ceased to be used exclusively for agricultural use or approved open-space use and the preceding 6 fiscal years. The county assessor shall assess the property pursuant to NRS 361.227 for the next fiscal year following the date of conversion to a higher use.

~~[Sec. 19.]~~ ***Sec. 21.*** NRS 361A.283 is hereby amended to read as follows:

361A.283 1. If the county assessor determines that the deferred tax for any fiscal year or years was not assessed in the year it became due, he may assess it anytime within 5 fiscal years after the end of the fiscal year in which a parcel or portion of a parcel was converted to a higher use.

2. If the county assessor determines that a parcel was assessed for agricultural ***or open-space*** use rather than at full taxable value for any fiscal year in which it did not qualify for agricultural ***or open-space*** assessment, he may assess the deferred tax for that year anytime within 5 years after the end of that fiscal year.

3. A penalty equal to 20 percent of the total accumulated deferred tax described in subsections 1 and 2 must be added for each of the years in which the owner failed to provide the written notice required by NRS 361A.270. The county assessor may waive this penalty if he finds extenuating circumstances sufficient to justify the waiver.

~~[Sec. 20.]~~ ***Sec. 22.*** Section 57 of chapter 496, Statutes of Nevada 2005, as amended by section 27 of chapter 415, Statutes of Nevada 2007, at page 1899, is hereby amended to read as follows:

Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

4. Section 23 of this act becomes effective on July 1, ~~[2009.]~~ ***2011.***

5. Section 43 of this act expires by limitation on June 30, ~~[2009.]~~ ***2011.***

~~[Sec. 21.]~~ ***Sec. 23.*** Section 16 of chapter 4, Statutes of Nevada 2008, 25th Special Session, at page 23, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 2, 4, 14 and 15 of this act become effective upon passage and approval.

2. Sections 6 to 12, inclusive, of this act become effective on January 1, 2009 ~~[.~~

~~3. Sections 4 and 6 to 12, inclusive, of this act~~ **,** ***and*** expire by limitation on June 30, 2009.

~~4.~~ ***3.*** Sections 1, 3 ~~, 5~~ and 13 of this act become effective on July 1, 2009.

~~5.~~ ***4.*** Sections 1 ~~, 2, 3 and 5~~ ***to 4, inclusive,*** of this act expire by limitation on June 30, 2011.

~~Sec. 22.~~ ***Sec. 24.*** Section 5 of chapter 4, Statutes of Nevada 2008, 25th Special Session, at page 17, is hereby repealed.

Sec. 25. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

~~Sec. 23.~~ ***Sec. 26.*** 1. This section and sections ~~2, 3, 20, 21 and 22~~ **3, 4 and 22 to 25, inclusive,** of this act become effective upon passage and approval.

2. Sections 1 ~~and 4 to 19,~~ **, 2 and 5 to 21,** inclusive, of this act become effective on July 1, 2009.

TEXT OF REPEALED SECTION

Section 5 of chapter 4, Statutes of Nevada 2008, 25th Special Session, at page 17:

Sec. 5. NRS 362.170 is hereby amended to read as follows:

362.170 1. There is hereby appropriated to each county the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation and any royalties paid by that operation, ***as estimated and paid pursuant to NRS 362.115, plus any amounts paid pursuant to NRS 362.130*** by the combined rate of tax ad valorem ~~,~~ ***for the fiscal year to which the payments apply,*** excluding any rate levied by the State of Nevada, for property at that site, plus a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to the county. The Department shall report to the State Controller on or before May 25 of each year the amount appropriated to each county, as calculated for each operation from the ~~final statement made in February of that year~~ ***estimate provided pursuant to NRS 362.115 for the current calendar year and any adjustments made pursuant to NRS 362.130*** for the preceding calendar year. The State Controller shall distribute all money due to a county on or before May 30 of each year. ***The Department shall report to the State Controller any additional payments made pursuant to paragraph (b) of subsection 1 of NRS 362.115 within 15 days after receipt of the payment, and the State Controller shall distribute the money to the appropriate county within 5 days after receipt of the report from the Department. For the purposes of this subsection, payments made pursuant to paragraph (b) of subsection 1 of NRS 362.115 apply to the fiscal year in which the statement of the estimated net proceeds is filed pursuant to paragraph (a) of subsection 1 of NRS 362.115.***

2. The county treasurer shall apportion to each local government or other local entity an amount calculated by:

(a) Determining the total of the amounts obtained by multiplying, for each extractive operation situated within its jurisdiction, the net proceeds of that operation and any royalty payments paid by that operation, by the rate levied on behalf of that local government or other local entity;

(b) Adding to the amount determined pursuant to paragraph (a) a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to that local government or local entity; and

(c) Subtracting from the amount determined pursuant to paragraph (b) a commission of 3 percent of that amount which must be deposited in the county general fund.

3. The amounts apportioned pursuant to subsection 2, including, without limitation, the amount retained by the county and excluding the percentage commission, must be applied to the uses for which each levy was authorized in the same proportion as the rate of each levy bears to the total rate.

4. The Department shall report to the State Controller on or before May 25 of each year the amount received as tax upon the net proceeds of geothermal resources which equals the product of those net proceeds multiplied by the rate of tax levied ad valorem by the State of Nevada.

Assemblywoman McClain moved the adoption of the amendment.

Remarks by Assemblywoman McClain.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 62.

AN ACT relating to scrap metal; enacting various requirements for transactions involving scrap metal and for persons involved in such transactions; providing that a person who removes, damages or destroys certain property to obtain scrap metal is guilty of a crime; increasing the penalty for stealing scrap metal under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2 and 3 of this bill define the terms "scrap metal" and "scrap metal processor."

Section 4 of this bill requires purchasers of scrap metal to hold current business licenses from both the State and the appropriate city or county and to have authorization to operate from the appropriate solid waste management authority.

Section 5 of this bill requires scrap metal processors to maintain certain records of all purchases of scrap metal by the scrap metal processors.

Section 6 of this bill allows peace officers or investigators to place a hold on certain property in the possession of a scrap metal processor alleged to be related to criminal activity for a specified period during the investigation or prosecution.

Section 7 of this bill requires that payments for purchases of scrap metal with a value of $150 or more by a scrap metal processor must be made by certain means and that a receipt containing certain specified information must be provided to the seller of the scrap metal. **Section 7 also allows only a single cash transaction of less than $150 each day between a scrap metal processor and a seller.**

Section 7.5 of this bill provides that a person who knowingly and willfully fails to comply with the provisions of sections 5, 6 and 7 is: (1) for a first or second offense within a period of 5 years, guilty of a misdemeanor with varying terms of imprisonment and fines; and (2) for a third or subsequent offense within a period of 5 years, guilty of a category E felony.

Section 9 of this bill excludes scrap metal from the definition of "junk" under chapter 647 of NRS. (NRS 647.015) **Section 11** of this bill expands the crime of receiving property stolen from certain utilities and political subdivisions of the State, a category D felony, to include transactions involving scrap metal. (NRS 647.145)

Section 10 of this bill provides that chapter 647 of NRS does not prevent counties from licensing, taxing and regulating dealers in junk **~~[.]~~ or scrap metal. (NRS 647.080)**

Section 12 of this bill provides that a person who willfully or maliciously removes, damages or destroys utility property, agricultural infrastructure, construction sites or certain other property to obtain scrap metal is guilty of a misdemeanor if the value of the removal or damage of property is less than $500 or a felony if the removal or damage is greater than $500 or interrupts a service provided by utility property.

Existing law generally provides that a person commits petit larceny and is guilty of a misdemeanor if he steals property with a value of less than $250. (NRS 205.240) Existing law also generally provides that a person commits grand larceny if he steals property with a value of $250 or more. (NRS 205.220) A person who commits grand larceny is guilty of a category C felony if the value of the property is less than $2,500 and is guilty of a category B felony if the value of the property is $2,500 or more. (NRS 205.222)

Section 13 of this bill: (1) provides that, if the value of the scrap metal stolen within a period of 90 days is less than $250, the person is guilty of a misdemeanor; (2) provides that, if the value of the scrap metal stolen within a period of 90 days is $250 or more, the person is guilty of a category C or B felony with varying terms of imprisonment and fines, depending upon the value of the scrap metal stolen within the 90-day period; (3) requires the court to order a person who steals scrap metal to pay restitution; and (4)

provides that the cost of repairing or replacing property damaged by the theft of scrap metal must be included in the value of the property that was stolen.

Sections 17 and 19 of this bill amend existing law to apply certain provisions governing larceny to the new crime of larceny described in **section 13** of this bill involving scrap metal. (NRS 205.251, 205.980)

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

Section 1. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[7,]~~ **7.5,** inclusive, of this act.

Sec. 2. **1.** ***"Scrap metal" means*** ~~*[nonferrous]*~~ ***:***

(a) Nonferrous metals, scrap iron, stainless steel or other material or equipment which consists in whole or in part of metal and which is used in construction, agricultural operations, electrical power generation, transmission or distribution, cable, broadband or telecommunications transmission, railroad equipment, oil well rigs or any lights maintained by the State or a local government, including, without limitation, street lights, traffic-control devices, park lights or ballpark lights ~~*[.]*~~ ***; and***

(b) Catalytic converters.

2. The term does not include waste generated by a household, aluminum beverage containers, used construction scrap iron or materials consisting of a metal product in its original manufactured form which contains not more than 20 percent by weight nonferrous metal.

Sec. 3. ***"Scrap metal processor" means any person who:***

1. Engages in the business of purchasing, trading, bartering or otherwise receiving scrap metal; or

2. Uses machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap, not including precious metals, for sale for remelting purposes.

Sec. 4. ***A person shall not purchase scrap metal unless that person:***

1. Possesses both a valid business license issued by the State pursuant to NRS 360.780 and a valid business license from the city or county, as applicable, in which the person purchases scrap metal; and

2. Has obtained all required authorizations to operate from, or is otherwise registered with, the solid waste management authority for the area in which the person purchases scrap metal.

Sec. 5. ***1. Every scrap metal processor shall maintain in his place of business a book or other permanent record in which must be made, at the time of each purchase of scrap metal, a record of the purchase that contains:***

(a) The date of the purchase.

(b) The name or other identification of the person or employee conducting the transaction on behalf of the scrap metal processor.

(c) A copy of the seller's valid personal identification card or valid driver's license issued by a state or a copy of the seller's valid United States military identification card.

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) and a physical description of the seller, including his gender, height, eye color and hair color.

(e) A photograph, video record or digital record of the seller.

(f) The fingerprint of the right index finger of the seller. If the seller's right index finger is not available, the scrap metal processor must obtain the fingerprint of one of the seller's remaining fingers and thumbs.

(g) The license number and general description of the vehicle delivering the scrap metal that is being purchased.

(h) A description of the scrap metal that is being purchased which is consistent with the standards published and commonly applied in the scrap metal industry.

(i) The price paid by the scrap metal processor for the scrap metal.

2. All records kept pursuant to subsection 1 must be legibly written in the English language, if applicable.

3. A scrap metal processor shall document each purchase of scrap metal with a photograph or video recording which must be retained on-site for not less than 60 days after the date of the purchase.

4. All scrap metal purchased by the scrap metal processor and the records created in accordance with subsection 1, including, but not limited to, any photographs or video recordings, must at all times during ordinary hours of business be open to the inspection of a prosecuting attorney or any peace officer.

Sec. 6. ***1. A peace officer or investigator who is involved in the investigation or prosecution of criminal activity may place a written hold for not more than 7 business days on any property in the possession of a scrap metal processor that is related or allegedly related to the criminal activity. A hold pursuant to this section may be extended for an additional period of not more than 7 business days by a peace officer or investigator by providing written notice to the scrap metal processor.***

2. While a hold is placed on property pursuant to this section, the scrap metal processor shall not remove or dispose of the property to any person other than the peace officer or investigator who placed the hold on the property. A peace officer or investigator who placed a hold on property may obtain custody of the property from the scrap metal processor if the peace officer or investigator:

(a) Has obtained written authorization from the prosecuting attorney which includes, without limitation, a description of the property and an acknowledgment of the scrap metal processor's interest in the property; and

(b) Provides a copy of the written authorization to the scrap metal processor.

3. Property received by a peace officer or investigator pursuant to this section may be disposed of only in the manner set forth in NRS 52.385 or 179.125 to 179.165, inclusive.

4. A peace officer or investigator who places a hold on property pursuant to this section shall notify the scrap metal processor in writing when the investigation or prosecution has concluded or when the hold is no longer necessary, whichever occurs sooner.

Sec. 7. ***1. For each purchase of scrap metal with a value of $150 or more by a scrap metal processor, the scrap metal processor must pay the seller only by check or electronic transfer of money. For payments made by check to a seller who represents a business, the check must be made payable to the business using the name of the business.*** ~~*[Only one transaction may take place between the same seller and scrap metal processor each day.]*~~ ***A scrap metal processor shall not conduct more than one cash transaction of less than $150 with the same seller on the same day.***

2. A scrap metal processor shall provide a receipt to the seller on-site at the time of the purchase of scrap metal by the scrap metal processor. The receipt must include, without limitation, the following information:

(a) The date, time and place of the purchase;

(b) An identifying description and weight of the scrap metal that is being purchased;

(c) The price paid by the scrap metal processor for the scrap metal;

(d) A copy of the personal identification provided pursuant to paragraph (c) of subsection 1 of section 5 of this act; and

(e) The license number of the vehicle delivering the scrap metal that is being purchased.

Sec. 7.5. Unless a greater penalty is provided pursuant to specific statute, a person who knowingly and willfully violates any provision of section 5, 6 or 7 of this act:

1. For a first offense within a period of 5 years, is guilty of a misdemeanor and shall be punished by a fine of not more than $500.

2. For a second offense within a period of 5 years, is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months and by a fine of not more than $1,000.

3. For a third or subsequent offense within a period of 5 years, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 8. NRS 647.010 is hereby amended to read as follows:

647.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 647.011 to 647.018, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 647.015 is hereby amended to read as follows:

647.015 "Junk" includes old iron, copper, brass, lead, zinc, tin, steel and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and all other secondhand, used or castoff articles or material of any kind ~~[.]~~ ***, but does not include scrap metal.***

Sec. 10. NRS 647.080 is hereby amended to read as follows:

647.080 The provisions of this chapter do not impair the power of cities ***and counties*** in this State to license, tax and regulate any person, firm or corporation now engaged in or hereafter engaged in the buying and selling of junk ~~[.]~~ ***or scrap metal.***

Sec. 11. NRS 647.145 is hereby amended to read as follows:

647.145 1. Any ***person, including, but not limited to, any*** junk dealer ***, scrap metal processor*** or secondhand dealer, or any agent, employee or representative of a junk dealer ***, scrap metal processor*** or secondhand dealer, who buys or receives any junk ***or scrap metal*** which he knows or should reasonably know is ordinarily used by and belongs to a ***cable, broadband, telecommunications,*** telephone, telegraph, gas, water, electric or transportation company or county, city or other political subdivision of this State engaged in furnishing utility service, and who fails to use ordinary care in determining whether the person selling or delivering such junk ***or scrap metal*** has a legal right to do so, is guilty of criminally receiving such property.

2. A person convicted of criminally receiving junk ***or scrap metal*** is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 12. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, lights maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than $500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any other penalty, the court may order a person who violates the provisions of subsection 1 to pay restitution.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the property or repairing the utility property, agricultural infrastructure, agricultural property, lights, construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

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

(b) "Utility property" means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, telegraph service, natural gas service, water service or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

Sec. 13. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who intentionally steals, takes and carries away scrap metal with a value of less than $250 within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal with a value of $250 or more within a period of 90 days is guilty of:

(a) If the value of the property taken is less than $2,500, a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is $2,500 or more, 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 10 years, and by a fine of not more than $10,000.

3. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 or 2 to pay restitution.

4. In determining the value of the property taken, the cost of repairing and, if necessary, replacing any property damaged by the theft of the scrap metal must be added to the value of the property.

5. As used in this section, "scrap metal" has the meaning ascribed to it in section 2 of this act.

Sec. 14. NRS 205.2175 is hereby amended to read as follows:

205.2175 As used in NRS 205.2175 to 205.2707, inclusive, ***and section 13 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 205.218 to 205.2195, inclusive, have the meanings ascribed to them in those sections.

Sec. 15. NRS 205.2195 is hereby amended to read as follows:

205.2195 "Property" means:

1. Personal goods, personal property and motor vehicles;
2. Money, negotiable instruments and other items listed in NRS 205.260;
3. Livestock, domesticated animals and domesticated birds; and

4. Any other item of value, whether or not the item is listed in NRS 205.2175 to 205.2707, inclusive ~~[.]~~ ***, or section 13 of this act.***

Sec. 16. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228 and 475.105, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than $250, owned by another person;

(2) Bedding, furniture or other property, with a value of less than $250, which the person, as a lodger, is to use in or with his lodging and which is owned by another person; or

(3) Real property, with a value of less than $250, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than $250, owned by another person.

2. ~~[A]~~ ***Unless a greater penalty is provided pursuant to section 13 of this act, a*** person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 17. NRS 205.251 is hereby amended to read as follows:

205.251 For the purposes of NRS 205.2175 to 205.2707, inclusive ~~[.]~~ ***, and section 13 of this act:***

1. The value of property involved in a larceny offense shall be deemed to be the highest value attributable to the property by any reasonable standard.

2. The value of property involved in larceny offenses committed by one or more persons pursuant to a scheme or continuing course of conduct may be aggregated in determining the grade of the larceny offenses.

Sec. 18. NRS 205.940 is hereby amended to read as follows:

205.940 1. Any person who in renting or leasing any personal property obtains or retains possession of such personal property by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his name, residence, employment or operator's license, is guilty of larceny and shall be punished as provided in NRS 205.2175 to 205.2707, inclusive ~~[.]~~ ***, and section 13 of this act.*** It is a complete defense to any civil action arising out of or involving the arrest or detention of any person renting or leasing personal property that any representation made by him in obtaining or retaining possession of the personal property is contrary to the fact.

2. Any person who, after renting or leasing any personal property under an agreement in writing which provides for the return of the personal property to a particular place at a particular time fails to return the personal property to such place within the time specified, and who, with the intent to

defraud the lessor or to retain possession of such property without the lessor's permission, thereafter fails to return such property to any place of business of the lessor within 72 hours after a written demand for the return of such property is made upon him by registered mail addressed to his address as shown in the written agreement, or in the absence of such address, to his last known place of residence, is guilty of larceny and shall be punished as provided in NRS 205.2175 to 205.2707, inclusive ~~[.]~~ ***, and section 13 of this act.*** The failure to return the personal property to the place specified in the agreement is prima facie evidence of an intent to defraud the lessor or to retain possession of such property without the lessor's permission. It is a complete defense to any civil action arising out of or involving the arrest or detention of any person upon whom such demand was made that he failed to return the personal property to any place of business of the lessor within 20 days after such demand.

Sec. 19. NRS 205.980 is hereby amended to read as follows:

205.980 1. A person who is convicted of violating any provision of NRS 205.060 or 205.2175 to 205.2707, inclusive, ***or section 13 of this act*** is civilly liable for the value of any property stolen and not recovered in its original condition. The value of the property must be determined by its retail value or fair market value at the time the crime was committed, whichever is greater.

2. A person who is convicted of any other crime involving damage to property is civilly liable for the amount of damage done to the property.

3. The prosecutor shall notify the victim concerning the disposition of the criminal charges against the defendant within 30 days after the disposition. The notice must be sent to the last known address of the victim.

4. An order of restitution signed by the judge in whose court the conviction was entered shall be deemed a judgment against the defendant for the purpose of collecting damages.

5. Nothing in this section prohibits a victim from recovering additional damages from the defendant.

Sec. 20. This act becomes effective on July 1, 2009.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 184.

ASSEMBLYMEN HARDY, HORNE, CONKLIN, DONDERO LOOP, GANSERT, HAMBRICK, HOGAN, KOIVISTO, MANENDO, **SMITH,** SPIEGEL AND STEWART

SUMMARY—Revises provisions governing the abatement of certain nuisances ~~[.]~~ **and the protection of public health and safety.** (BDR 40-1043)

AN ACT relating to public health; authorizing a district health officer or his designee ~~[in certain counties]~~ who orders the extermination or abatement of mosquitoes, flies, other insects, rats or their breeding places to take certain actions to abate the nuisance; authorizing ~~[such]~~ a district health officer to order an owner of real property to abate and prevent the recurrence of such a nuisance; providing that all money expended by the health district in abating and preventing the recurrence of such a nuisance constitutes a lien upon the property; authorizing the health district to bring an action to foreclose the lien; **providing a district board of health with certain authority relating to the protection of the public health and safety with respect to rental dwelling units;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.5 of this bill provides that the provisions of sections 1.5-4.5 of this bill apply to any health district created pursuant to NRS 439.362 or 439.370 (currently the Southern Nevada Health District in Clark County and the Washoe County Health District). Existing law authorizes health officers in this State to order the abatement or removal of any nuisance detrimental to the public health. (NRS 439.490) **Section 2** of this bill provides that ~~[, in a county whose population is 400,000 or more (currently Clark County),]~~ a district health officer or his designee who orders the extermination or abatement of mosquitoes, flies, other insects, rats or any breeding place thereof may authorize and take certain actions to abate the nuisance. **Section 3** of this bill authorizes the district health officer to order the owner of any real property to abate and prevent the recurrence of such a nuisance. The health officer is required to provide notice of the order to the owner by mail addressed to the last known address of the owner. **Section 3** provides that if the owner does not abate the nuisance within the period specified in the order, the health district is required to abate the nuisance and take any action necessary to prevent its recurrence. **Section 4** of this bill provides that all money expended by the health district in abating the nuisance and preventing its recurrence constitutes a lien upon the real property which may be recovered in an action against the property.

Existing law provides that a district board of health may, by affirmative vote of a majority of its members, adopt certain regulations which take effect immediately upon approval of the regulations by the State Board of Health. (NRS 439.366) **Section ~~[6]~~ 4.5** of this bill specifically authorizes a district board of health to adopt regulations relating to any health hazard on residential property ~~[.]~~ **or any health hazard in a rental dwelling unit. Section 4.5 also authorizes a district board of health to adopt regulations to ensure the enforcement of laws that protect the public health and safety associated with the condition of rental dwelling units. In addition, section 4.5 authorizes a district board of health, in carrying out its duties**

relating to the protection of the public health and safety associated with the condition of rental dwelling units, to take any enforcement action it determines necessary and to establish an administrative hearing process.

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 the provisions set forth as sections ~~[2, 3 and 4]~~ **1.5 to 4.5, inclusive,** of this act.

Sec. 1.5. ***The provisions of sections 1.5 to 4.5, inclusive, of this act apply to any health district created pursuant to NRS 439.362 or 439.370.***

Sec. 2. ***A district health officer or his designee who issues an order for the extermination or abatement of mosquitoes, flies, other insects, rats or any breeding place thereof may authorize and take any action necessary to abate the nuisance or prevent its recurrence, including, without limitation:***

1. Abate any stagnant pool of water or other breeding place for mosquitoes, flies, other insects or rats;

2. Treat with oil, other larvicidal material, other chemicals or other material any breeding place of mosquitoes, flies, other insects or rats;

3. Build, construct, repair and maintain necessary dikes, levees, cuts, canals or ditches upon any land, and acquire by purchase, condemnation or other lawful means, in the name of the health district, any land, right-of-way, easement, property or material necessary for the extermination or abatement of mosquitoes, flies, other insects, rats or any breeding place thereof;

4. Enter into contracts to indemnify or compensate any owner of real or other property for any injury or damage caused by the use or taking of property for dikes, levees, cuts, canals or ditches;

5. Enter upon without hindrance any land, within or without the health district, to determine whether breeding places of mosquitoes, flies, other insects or rats exist upon that land; and

6. Determine whether any person subject to an order issued pursuant to section 3 of this act has complied with the order.

Sec. 3. ***1. A district health officer may issue an order requiring an owner of real property to abate and prevent the recurrence of any mosquitoes, flies, other insects, rats or any breeding place thereof by providing notice of the order to the owner by mail addressed to the last known address of the owner. The order must:***

(a) Provide that the owner shall abate the nuisance and prevent its recurrence; and

(b) Specify the period within which the abatement must be completed.

2. If the owner of the real property does not comply with the order within the time specified, the health district shall abate the nuisance and take all necessary steps to prevent its recurrence.

Sec. 4. ***1. All money expended by a health district in abating a nuisance and preventing its recurrence on real property pursuant to***

section 3 of this act constitutes a lien upon the property and may be recovered by an action against the property.

2. Notice of the lien must be filed and recorded by the health district in the office of the county recorder of the county in which the property is situated not later than 6 months after the date on which the health district completes the abatement.

3. Any action to foreclose the lien must be commenced not later than 6 months after the filing and recording of the notice of the lien.

4. An action commenced pursuant to subsection 3 must be brought by the health district in the name of the health district.

5. When the property is sold, enough of the proceeds to satisfy the lien and the costs of foreclosure must be paid to the health district and the surplus, if any, must be paid to the owner of the property if known, and if not known, must be paid into the court in which the lien was foreclosed for the use of the owner if ascertained.

Sec. 4.5. 1. In addition to any other powers, duties and authority conferred on a district board of health, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:

(a) Regulate any health hazard on residential property; and

(b) Regulate any health hazard in a rental dwelling unit.

2. The district board of health may adopt regulations to ensure the enforcement of laws that protect the public health and safety associated with the condition of rental dwelling units and to recover all costs incurred by the district board of health relating thereto. Any regulation adopted pursuant to this subsection must be provided by the landlord of a rental dwelling unit to a tenant upon request to ensure that the landlord and the tenant understand their respective rights and responsibilities clearly.

3. In carrying out its duties relating to the protection of the public health and safety associated with the condition of rental dwelling units, the district board of health may:

(a) Take any enforcement action it determines necessary; and

(b) Establish an administrative hearing process, including, without limitation, the hiring of qualified hearing officers.

4. If a tenant of a rental dwelling unit provides written notice to the landlord pursuant to NRS 118A.355 specifying a failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failure and the landlord fails to remedy a material failure or to make a reasonable effort to do so within the time prescribed in NRS 118A.355, the tenant may, in addition to any remedy provided in NRS 118A.355, provide to the district board of health a copy of the written notice that the tenant provided to the landlord. If, upon inspection of the dwelling unit, the district board of health determines that either the landlord or the tenant has failed to maintain the dwelling unit in a habitable condition, the

district board of health may refer the matter to the administrative hearing process if established pursuant to subsection 3 or take any action with respect to the dwelling unit which is authorized by this section or the regulations adopted pursuant thereto.

5. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:

(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved and of the time when, the place where and the manner in which interested persons may present their views thereon;

(b) State each address at which the text of the proposal may be inspected and copied; and

(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the board for such purpose.

6. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board of health shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board of health may proceed immediately to act upon any written submissions. The district board of health shall consider fully all written and oral submissions respecting the proposal.

7. The district board of health shall file a copy of all of its adopted regulations with the county clerk.

8. As used in this section:

(a) "Dwelling unit" has the meaning ascribed to it in NRS 118A.080.

(b) "Health hazard" means any biological, physical or chemical exposure or condition that may adversely affect the health of a person.

Sec. 5. ~~[NRS 439.361 is hereby amended to read as follows:~~

~~439.361 The provisions of NRS 439.361 to 439.368, inclusive, *and sections 2, 3 and 4 of this act* apply to a county whose population is 400,000 or more.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 439.366 is hereby amended to read as follows:~~

~~439.366 1. The district board of health has the powers, duties and authority of a county board of health in the health district.~~

~~2. The district health department has jurisdiction over all public health matters in the health district.~~

~~3. In addition to any other powers, duties and authority conferred on a district board of health by this section, the district board of health may by affirmative vote of a majority of all the members of the board adopt regulations consistent with law, which must take effect immediately on their approval by the State Board of Health, to:~~

~~(a) Prevent and control nuisances;~~

~~(b) Regulate sanitation and sanitary practices in the interests of the public health;~~

~~(c) Provide for the sanitary protection of water and food supplies;~~

~~(d) Protect and promote the public health generally in the geographical area subject to the jurisdiction of the health district;~~ ~~[~~and~~]~~

~~(e) Improve the quality of health care services for members of minority groups and medically underserved populations~~ ~~[.]~~ ***[.] ; and***

(f) Regulate any health hazard on residential property.

~~4. Before the adoption, amendment or repeal of a regulation, the district board of health must give at least 30 days' notice of its intended action. The notice must:~~

~~(a) Include a statement of either the terms or substance of the proposal or a description of the subjects and issues involved, and of the time when, the place where and the manner in which interested persons may present their views thereon;~~

~~(b) State each address at which the text of the proposal may be inspected and copied; and~~

~~(c) Be mailed to all persons who have requested in writing that they be placed on a mailing list, which must be kept by the board for such purpose.~~

~~5. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing, on the intended action to adopt, amend or repeal the regulation. With respect to substantive regulations, the district board of health shall set a time and place for an oral public hearing, but if no one appears who will be directly affected by the proposal and requests an oral hearing, the district board of health may proceed immediately to act upon any written submissions. The district board of health shall consider fully all written and oral submissions respecting the proposal.~~

~~6. The district board of health shall file a copy of all of its adopted regulations with the county clerk.~~

~~***7. As used in this section, "health hazard" means any biological, physical or chemical exposure or condition that may adversely affect the health of a person.]*** (Deleted by amendment.)~~

Sec. 7. NRS 439.490 is hereby amended to read as follows:

439.490 Every health officer ~~[~~shall have authority to~~]~~ ***or his designee may*** order the abatement or removal of any nuisance detrimental to the public health in accordance with the laws relating to such matters.

Sec. 8. This act becomes effective on July 1, 2009.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 161.

AN ACT relating to offenders; requiring the preservation of certain biological evidence under certain circumstances; ~~[providing for certain postconviction petitions pertaining to certain biological evidence;]~~ authorizing certain persons to be committed to the Department of Corrections for evaluation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides that upon the conviction of a defendant for ~~[murder or a felony that is a sexual offense,]~~ **a category A or B felony,** an agency of criminal justice that possesses any biological evidence secured in connection with the investigation or prosecution of the defendant is required to preserve such evidence until the expiration of any sentence imposed on the defendant.

~~[Existing law authorizes a person under a sentence of death to file a postconviction petition requesting genetic marker analysis of evidence within the possession of the State that resulted in the conviction and sentence of death. (NRS 176.0918) Section 3 of this bill similarly authorizes a person convicted of murder or a felony that is a sexual offense to petition the court to request genetic marker testing for biological evidence in the possession of the State. If the court denies the petition, the petitioner may pay for such genetic marker testing himself.]~~

Sections 4, 6, 7, 9 and 10 of this bill ~~[reenact statutory provisions that were repealed in 1997 and]~~ authorize a court to commit **before sentencing or as a condition of probation,** offenders who have never been sentenced to imprisonment for more than 6 months as adults to the Department of Corrections ~~[for an initial evaluation period of 120 days. (Chapter 257, Statutes of Nevada 1997, p. 905)]~~ **or a local detention center for certain periods of evaluation. Such evaluations may be completed in conjunction with the Department of Health and Human Services.** Upon conclusion of the evaluation period of such an offender, the Department of Corrections is required to report its results and **the** recommendations **of the Department of Health and Human Services** to the court to assist the court in determining whether to grant probation or impose a sentence of imprisonment.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. Except as otherwise provided in this section, upon the conviction of a defendant for*** ~~*[murder or a felony that is a sexual offense,]*~~ ***a category A or B felony, an agency of criminal justice that has in its possession or custody any biological evidence secured in connection with***

the investigation or prosecution of the defendant shall preserve such evidence until the expiration of any sentence imposed on the defendant.

2. Biological evidence subject to the requirements of this section may be consumed for testing upon ~~[the approval of]~~ notice to the defendant.

3. An agency of criminal justice may establish procedures for:

(a) Retaining probative samples of biological evidence subject to the requirements of this section; and

(b) Disposing of bulk evidence that does not affect the suitability of such probative samples for testing.

4. The provisions of this section must not be construed to restrict or limit an agency of criminal justice from establishing procedures for the retention, preservation and disposal of biological evidence secured in connection with other criminal cases.

5. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Biological evidence" means any semen, blood, saliva, hair, skin tissue or other identified biological material removed from physical evidence.

(c) "Sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 3. ~~***[1. Except as otherwise provided in subsection 12, a person convicted of murder or a felony that is a sexual offense who meets the requirements of this section may file a postconviction petition requesting a genetic marker analysis of evidence within the possession or custody of the State which may contain genetic marker information relating to the investigation or prosecution that resulted in the conviction.***~~

~~***2. Such a petition must be filed with the clerk of the district court for the county in which the petitioner was convicted on a form prescribed by the Department of Corrections. A copy of the petition must be served by registered mail upon:***~~

~~***(a) The Attorney General; and***~~

~~***(b) The district attorney in the county in which the petitioner was convicted.***~~

~~***3. If a petition is filed pursuant to this section, the court shall determine which person or agency has possession or custody of the evidence and shall immediately issue an order requiring, during the pendency of the proceeding, each person or agency in possession or custody of the evidence to:***~~

~~***(a) Preserve all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section;***~~

~~***(b) Within 30 days, prepare an inventory of all evidence within the possession or custody of the person or agency that may be subjected to genetic marker analysis pursuant to this section; and***~~

~~*(c) Within 30 days, submit a copy of the inventory to the petitioner, the prosecuting attorney and the court.*~~

~~*4. Within 30 days after the inventory of all evidence is prepared pursuant to subsection 3, the prosecuting attorney may file a written response to the petition with the court.*~~

~~*5. The court shall hold a hearing on a petition filed pursuant to this section.*~~

~~*6. The court shall order a genetic marker analysis if the court finds that:*~~

~~*(a) A reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified in the petition;*~~

~~*(b) The evidence to be analyzed exists; and*~~

~~*(c) The evidence was not previously subjected to:*~~

~~*(1) A genetic marker analysis involving the petitioner; or*~~

~~*(2) The method of analysis requested in the petition, and the method of additional analysis may resolve an issue not resolved by a previous analysis.*~~

~~*7. If the court orders a genetic marker analysis pursuant to subsection 6, the court shall:*~~

~~*(a) Order the analysis to be conducted promptly under reasonable conditions designed to protect the interest of the State and the petitioner in the integrity of the evidence and the analysis process.*~~

~~*(b) Select a forensic laboratory to conduct or oversee the analysis. The forensic laboratory selected by the court must:*~~

~~*(1) Be operated by this State or one of its political subdivisions, when possible; and*~~

~~*(2) Satisfy the standards for quality assurance that are established for forensic laboratories by the Federal Bureau of Investigation.*~~

~~*(c) Order the forensic laboratory selected pursuant to paragraph (b) to perform a genetic marker analysis of evidence. The analysis to be performed and evidence to be analyzed must:*~~

~~*(1) Be specified in the order; and*~~

~~*(2) Include such analysis, testing and comparison of genetic marker information contained in the evidence and the genetic marker information of the petitioner as the court determines appropriate under the circumstances.*~~

~~*(d) Order the production of any reports that are prepared by a forensic laboratory in connection with the analysis and any data and notes upon which the report is based.*~~

~~*(e) Order the preservation of evidence used in a genetic marker analysis performed pursuant to this section for purposes of a subsequent proceeding or analysis, if any.*~~

~~*8. If the results of a genetic marker analysis performed pursuant to this section are favorable to the petitioner:*~~

~~*(a) The petitioner may bring a motion for a new trial based on the ground of newly discovered evidence pursuant to NRS 176.515; and*~~

~~*(b) The restriction on the time for filing the motion set forth in subsection 3 of NRS 176.515 is not applicable.*~~

~~*9. The court shall dismiss a petition filed pursuant to this section if:*~~

~~*(a) The requirements for ordering a genetic marker analysis pursuant to this section are not satisfied; or*~~

~~*(b) The results of a genetic marker analysis performed pursuant to this section are not favorable to the petitioner.*~~

~~*10. For the purposes of a genetic marker analysis pursuant to this section, a person who files a petition pursuant to this section shall be deemed to consent to the:*~~

~~*(a) Submission of a biological specimen by him to determine his genetic marker information; and*~~

~~*(b) Release and use of genetic marker information concerning the petitioner.*~~

~~*11. The expense of an analysis ordered pursuant to this section is a charge against the Department of Corrections and must be paid upon approval by the Board of State Prison Commissioners as other claims against the State are paid.*~~

~~*12. If the court dismisses a petition pursuant to subsection 9, the petitioner is entitled to have a genetic marker analysis performed at his own expense.*~~

~~*13. This section does not apply to a person who has filed a petition pursuant to NRS 176.0918.*~~

~~*14. The remedy provided by this section is in addition to, is not a substitute for and is not exclusive of any other remedy, right of action or proceeding available to a person convicted of murder or a felony that is a sexual offense.*~~

~~*15. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.]*~~ **(Deleted by amendment.)**

Sec. 4. *1. If a defendant has* ~~*[:*~~

~~*(a) Been]*~~ ***been*** *convicted of a felony for which he may be sentenced to imprisonment* ~~*[;]*~~ *and*

~~*[(b) Never]*~~ ***has never*** *been sentenced to imprisonment as an adult for more than 6 months,*

~~*[,*~~ *the court may, before sentencing the defendant* ~~*[, commit]*~~ ***or as a condition of probation:***

(a) Commit *him to the custody of the Director of the Department of Corrections for* ***a period of evaluation*** *not* ~~*[more than 120]*~~ ***to exceed 30*** *days* ***;*** ~~*[. The period of commitment may be extended once for another period of 60 days at the request of the Department. During the time for which a defendant is committed to the custody of the Director, the Director may assign the defendant to appropriate programs of rehabilitation to facilitate the evaluation of the defendant required under subsection 2.*~~

~~*2. The Department shall conduct a complete evaluation of the defendant during the time of commitment under this section, and shall inquire into such matters as his previous delinquency or criminal record, social background and capabilities, his mental, emotional and physical health, and the resources and programs available to suit his needs for rehabilitation.]*~~

(b) Provide for short-term incarceration in the custody of the local detention center or in the custody of the Director of the Department of Corrections for a period not to exceed 30 days; or

(c) Commit the defendant to the custody of the Director of the Department of Corrections for a period not to exceed 180 days as an intermediate sanction where intensive treatment will be provided under the supervision of the Director of the Department of Health and Human Services.

~~*[3.]*~~ ***2. The Department of Corrections shall return the defendant to the court not later than the end of the period*** ~~*[for which he was committed under this section and provide the court with a report of the results of its evaluation, including any recommendations which it believes will be helpful to the court in determining the proper sentence.]*~~ ***ordered under subsection 1, together with any evaluation of the defendant by the Department of Corrections and any recommendations of the Department of Health and Human Services.***

~~*[4.]*~~ ***3. During any period prescribed under subsection 1, the defendant may undergo:***

(a) An intake evaluation, including an evaluation of his dental, medical and mental health, provided by the Department of Corrections or the Department of Health and Human Services;

(b) Substance abuse treatment provided by the Department of Health and Human Services;

(c) Mental health treatment provided by the Department of Health and Human Services; and

(d) Job training and placement provided by the Department of Employment, Training and Rehabilitation.

4. Upon receiving the ~~*[report]*~~ ***evaluation and recommendations, the court shall sentence the defendant to:***

(a) An appropriate term of imprisonment , the duration of which must be computed from the date of commitment under subsection 1; or

(b) Probation, a condition of which must be that the defendant serve a number of days in the state prison equal to or greater than the number of days spent in confinement under subsection 1, including the day of commitment.

Sec. 5. NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0917, inclusive, ***and*** ~~*[sections 2 and 3]*~~ ***section 2 of this act,*** unless the context otherwise requires, "CODIS" means the Combined DNA Indexing System operated by the Federal Bureau of Investigation.

Sec. 6. NRS 176.105 is hereby amended to read as follows:

176.105 1. If a defendant is found guilty and is ~~[sentenced]~~ ***:***

(a) To be committed to the custody of the Director of the Department of Corrections pursuant to section 4 of this act, the judgment of conviction must set forth the plea, the verdict or finding and the adjudication.

(b) Sentenced as provided by law, the judgment of conviction must set forth:

~~[(a)]~~ ***(1)*** The plea;

~~[(b)]~~ ***(2)*** The verdict or finding;

~~[(c)]~~ ***(3)*** The adjudication and sentence, including the date of the sentence, any term of imprisonment, the amount and terms of any fine, restitution or administrative assessment, a reference to the statute under which the defendant is sentenced and, if necessary to determine eligibility for parole, the applicable provision of the statute; and

~~[(d)]~~ ***(4)*** The exact amount of credit granted for time spent in confinement before conviction, if any.

2. If the defendant is found not guilty, or for any other reason is entitled to be discharged, judgment must be entered accordingly.

3. The judgment must be signed by the judge and entered by the clerk.

Sec. 7. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.159, inclusive, ***and section 4 of this act,*** unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) Incest pursuant to NRS 201.180;

(g) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195, if punished as a felony;

(h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

(i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

(j) Lewdness with a child pursuant to NRS 201.230;

(k) Sexual penetration of a dead human body pursuant to NRS 201.450;

(l) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

(m) An attempt to commit an offense listed in paragraphs (a) to (l), inclusive, if punished as a felony; or

(n) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 8. ~~[NRS 176.515 is hereby amended to read as follows:~~

~~176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.~~

~~2. If trial was by the court without a jury the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.~~

~~3. Except as otherwise provided in NRS 176.0918~~ **[**,**]** ~~***and section 3 of this act,*** a motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.~~

~~4. A motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.~~**] (Deleted by amendment.)**

Sec. 9. NRS 209.341 is hereby amended to read as follows:

209.341 The Director shall:

1. Establish, with the approval of the Board, a system of initial classification and evaluation for offenders who are ***committed to him for evaluation by the Department or*** sentenced to imprisonment in the state prison; and

2. Assign every person who is ***committed to him for evaluation by the Department or*** sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department. The assignment must be based on an evaluation of the offender's records, particular needs and requirements for custody.

Sec. 10. NRS 209.385 is hereby amended to read as follows:

209.385 1. Each offender committed to the custody of the department for ***evaluation or*** imprisonment shall submit to such initial tests as the Director determines appropriate to detect exposure to the human

immunodeficiency virus. Each such test must be approved by regulation of the State Board of Health. At the time the offender is committed to custody and after an incident involving the offender:

(a) The appropriate approved tests must be administered; and

(b) The offender must receive counseling regarding the virus.

2. If the results of an initial test are positive, the offender shall submit to such supplemental tests as the Director determines appropriate. Each such test must be approved for the purpose by regulation of the State Board of Health.

3. If the results of a supplemental test are positive, the name of the offender must be disclosed to:

(a) The Director;

(b) The administrative officers of the Department who are responsible for the classification and medical treatment of offenders;

(c) The manager or warden of the facility or institution at which the offender is confined; and

(d) Each other employee of the Department whose normal duties involve him with the offender or require him to come into contact with the blood or bodily fluids of the offender.

4. The offender must be segregated from every other offender whose test results are negative if:

(a) The results of a supplemental test are positive; and

(b) The offender engages in behavior that increases the risk of transmitting the virus, such as battery, the infamous crime against nature, sexual intercourse in its ordinary meaning or illegal intravenous injection of a controlled substance or a dangerous drug as defined in chapter 454 of NRS.

5. The Director, with the approval of the Board:

(a) Shall establish for inmates and employees of the Department an educational program regarding the virus whose curriculum is provided by the Health Division of the Department of Health and Human Services. A person who provides instruction for this program must be certified to do so by the Health Division.

(b) May adopt such regulations as are necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Incident" means an occurrence, of a kind specified by regulation of the State Board of Health, that entails a significant risk of exposure to the human immunodeficiency virus.

(b) "Infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 153.

AN ACT relating to education; requiring the boards of trustees of school districts to adopt a policy for the elementary schools within the school district to provide a certain amount of time each school day for physical activity; requiring the boards of trustees of school districts to grant the use of ~~[school buildings and grounds without charge]~~ **certain athletic fields** to nonprofit organizations ~~[, county departments of parks and recreation or other entities for physical activities,]~~ **which provide programs for youth sports;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to provide instruction in physical education to the pupils enrolled in the public schools within the school district. (NRS 389.018) **Section 1** of this bill requires the board of trustees of each school district to adopt a policy for the elementary schools within the school district to provide at least 30 minutes of physical activity each school day ~~[,]~~ **during regular school hours,** which are not required to be consecutive minutes. The policy must include a provision for an exemption for certain pupils who are unable to participate. **The provisions of section 1 which require 30 minutes of physical activity each school day do not apply to pupils who are enrolled in a half-day kindergarten program.**

Existing law authorizes the board of trustees of a school district to grant the use of school buildings or grounds by the general public for certain purposes. (NRS 393.071-393.0719) ~~[In addition, the board of trustees is authorized to grant without charge the use of school libraries to the general public during times that are not regular school hours. (NRS 393.07105, 393.0714)]~~ **Section 2** of this bill requires the board of trustees of a school district, upon request, to grant ~~[without charge]~~ the use of ~~[school buildings and grounds]~~ **any athletic field that does not contain lights at an elementary school, middle school or junior high school within the school district** to a nonprofit organization ~~[, a county department for parks and recreation or other entity for physical activities,]~~ **which provides programs for youth sports,** subject to the availability of the ~~[school buildings or grounds.]~~ **athletic field. The provisions of section 2 do not apply if a school district has entered into an agreement with a local government to provide the use of the athletic fields or playgrounds of the school district to a community organization which provides programs of youth sports.**

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 a new section to read as follows:

1. The board of trustees of each school district shall adopt a policy for the pupils enrolled in the elementary schools in the school district which must be designed to encourage those pupils to develop the knowledge, attitudes, skills and motivation for a lifetime of physical activity and fitness.

2. The policy adopted pursuant to subsection 1 must include, without limitation:

(a) ~~[A]~~ Except as otherwise provided in subsection 3, a requirement that the elementary schools within the school district provide at least 30 minutes of physical activity each school day, after the beginning of the school day and during regular school hours, which does not have to be provided in consecutive minutes; and

(b) A provision for an exemption if a pupil is unable to participate in the physical activity because of an illness or a disability or is otherwise physically unable to participate.

3. The requirement of 30 minutes of physical activity each school day prescribed by the policy pursuant to subsection 2 does not apply to pupils who are enrolled in a half-day kindergarten program.

Sec. 2. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[The]~~ 1. Except as otherwise provided in subsection 3, the board of trustees of each school district shall, upon request, grant the use ~~[without charge]~~ of ~~[school buildings and grounds, including, without limitation, playgrounds, multipurpose rooms or]~~ any athletic ~~[fields,]~~ field which does not contain lights at each ~~[public]~~ elementary school , middle school or junior high school within the school district to a nonprofit organization ~~[, a department of parks and recreation or other entity for physical activities]~~ which provides programs for youth sports, including, without limitation, baseball, football, soccer and softball, during any time that ~~[is]~~ :

(a) Is not regular school hours ~~[or that school-related]~~ ; or

(b) School-related activities do not require the use of the ~~[buildings or grounds,]~~ athletic field,

➥ subject to the limitations, requirements and restrictions set forth in NRS 393.071 to 393.0719, inclusive, and section 2 of this act.

2. A nonprofit organization which provides programs for youth sports that is granted the use of an athletic field pursuant to subsection 1 must comply withany requirements of insurance coverage and indemnification required by the board of trustees of the school district.

3. If the board of trustees of a school district has entered into an agreement with one or more local governments to provide the use of the athletic fields or playgrounds of the school district to a community organization which provides programs for youth sports, the board of trustees of the school district is not required to comply with the provisions of subsection 1.

Sec. 3. NRS 393.071 is hereby amended to read as follows:

393.071 ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** board of trustees of any school district may grant the use of school buildings or grounds for public, literary, scientific, recreational or educational meetings, or for the discussion of matters of general or public interest upon such terms and conditions as the board deems proper, subject to the limitations, requirements and restrictions set forth in NRS 393.071 to 393.0719, inclusive ~~[.]~~ ***and section 2 of this act.***

Sec. 4. ~~[NRS 393.0719 is hereby amended to read as follows:~~

~~393.0719 1. Lighting, heating, janitorial service and the services of the person referred to in NRS 393.0718, when needed, and other necessary expenses, in connection with the use of public school buildings and grounds pursuant to NRS 393.071 to 393.0719, inclusive, *and section 2 of this act* must be provided for out of school district funds of the respective school districts in the same manner as similar services are provided for, and except as otherwise provided in subsection 2, subject to reimbursement by the user in accordance with such policies and regulations as the board of trustees may adopt.~~

~~2. The board of trustees of a school district may not request reimbursement for the costs and expenses associated with the use of [a]~~ **~~.:~~**

~~(a) A~~ ~~school library by the general public pursuant to NRS 393.07105~~ **~~[.],~~** ***~~or~~***

~~(b) School buildings or grounds by a nonprofit organization, a department of parks and recreation or other entity for physical activities pursuant to section 2 of this act.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2009.

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time and ordered to third reading.

Assembly Bill No. 289.

Bill read second time and ordered to third reading.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 81.

SUMMARY—Revises provisions governing **certain** nonprofit carriers of elderly persons or persons with disabilities. (BDR 58-1116)

AN ACT relating to motor carriers; revising the conditions for ~~[a]~~ nonprofit ~~[carrier]~~ **carriers** of elderly persons or persons with disabilities **in certain larger counties (currently Clark County)** to qualify for an

exemption from the requirement to obtain a certificate of public convenience and necessity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the exemption from the requirement to obtain a certificate of public convenience and necessity for nonprofit carriers of elderly persons or persons with disabilities ~~[so that the exemption applies only to certain carriers that do not charge for transportation services.]~~ **based upon the size of the county in which the carrier operates.** (NRS 706.745)

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

Section 1. NRS 706.745 is hereby amended to read as follows:

706.745 1. The provisions of NRS 706.386 and 706.421 do not apply to:

(a) Ambulances;

(b) Hearses; or

(c) Common motor carriers or contract motor carriers that are providing transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.2705.

2. A common motor carrier that enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transit consisting of:

(a) Regular routes and fixed schedules;

(b) Nonemergency medical transportation of persons to facilitate their use of a center as defined in NRS 435.170, if the transportation is available upon request and without regard to regular routes or fixed schedules;

(c) Nonmedical transportation of persons with disabilities without regard to regular routes or fixed schedules; or

(d) In a county whose population is less than 100,000 or an incorporated city within such a county, nonmedical transportation of persons if the transportation is available by reservation 1 day in advance of the transportation and without regard to regular routes or fixed schedules.

3. Under any agreement for a system of public transit that provides for the transportation of passengers that is described in subsection 2:

(a) The public entity shall provide for any required safety inspections; or

(b) If the public entity is unable to do so, the Authority shall provide for any required safety inspections.

4. In addition to the requirements of subsection 3, under an agreement for a system of public transit that provides for the transportation of passengers that is described in:

(a) Paragraph (a) of subsection 2, the public entity shall establish the routes and fares.

(b) Paragraph (c) or (d) of subsection 2, the common motor carrier:

(1) May provide transportation to any passenger who can board a vehicle with minimal assistance from the operator of the vehicle.

(2) Shall not offer medical assistance as part of its transportation service.

5. ~~[A]~~ ***In a county whose population:***

(a) Is less than 400,000, a nonprofit carrier of elderly persons or persons with disabilities ~~*[that does not charge for transportation services]*~~ is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

(b) Is 400,000 or more, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of such passengers only, but:

(1) Only if the nonprofit carrier:

(I) Does not charge for transportation services;

(II) Provides transportation services pursuant to a contract with the Department of Health and Human Services entered into pursuant to NRS 422.2705; or

(III) Enters into an agreement for the purchase of its service by an incorporated city, county or regional transportation commission; and

(2) Such a carrier is not exempt from inspection by the Authority to determine whether its vehicles and their operation are safe.

6. An incorporated city, county or regional transportation commission is not required to obtain a certificate of public convenience and necessity to operate a system of public transportation.

7. Before an incorporated city or a county enters into an agreement with a common motor carrier for a system of public transit that provides for the transportation of passengers that is described in paragraph (c) or (d) of subsection 2 in an area of the incorporated city or an area of the county, it must determine that:

(a) There are no other common motor carriers of passengers who are authorized to provide such services in that area; or

(b) Although there are other common motor carriers of passengers who are authorized to provide such services in the area, the common motor carriers of passengers do not wish to provide, or are not capable of providing, such services.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 154.

AN ACT relating to education; requiring each public school to post a notice of information concerning certain courses, services and programs available to pupils enrolled in the school district; requiring that the notice be ~~[provided]~~ **made available** to the parents and legal guardians of those pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the board of trustees of each school district to prepare a notice of information identifying all the advanced placement courses, honors courses, international baccalaureate courses, special education services **, charter school programs** and any other educational programs available to pupils enrolled in the school district, including where those courses, services and programs are offered. Each public school within the school district is required to post ~~[the]~~ **a** notice in a conspicuous place at the school **indicating the availability and location of a complete list of the courses, services and programs identified by the school district and make that** ~~[and provide the]~~ notice **available** to the parents and legal guardians of pupils enrolled in the school.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall prepare a written notice which identifies all the advanced placement courses, honors courses, international baccalaureate courses, special education services and any other educational programs available to pupils enrolled in the school district including, without limitation, to the extent information is available, programs offered by charter schools within the school district, which will assist in the advancement of the education of those pupils. The notice must:

(a) Specify where those courses, services and programs are available within the school district;

(b) Identify the grade level of pupils for which those courses, services and programs are available; and

(c) Be posted on the Internet website maintained by the school district.

2. Each public school shall:

(a) Post in one or more conspicuous places at the school ~~[the]~~ a notice ~~[prepared]~~ indicating the availability and location of a complete list of the courses, services and programs identified pursuant to subsection 1; and

(b) Ensure that the notice prepared pursuant to subsection 1 is ~~[provided]~~ made available to the parents and legal guardians of pupils

enrolled in the school at the beginning of each school year or upon a pupil's enrollment in public school, as applicable.

Sec. 2. This act becomes effective on July 1, 2009.

Assemblywoman Parnell moved the adoption of the amendment.

Remarks by Assemblywoman Parnell.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 349.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 183.

AN ACT relating to emergency medical services; providing for the endorsement of intermediate emergency medical technicians **and advanced emergency medical technicians** to administer immunizations, dispense medication and provide certain services for ~~[a public health]~~ **an** emergency or otherwise satisfy public health needs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the district board of health, in a county whose population is more than 400,000 (currently Clark County), and the State Board of Health, in a county whose population is less than 400,000, to establish the requirements, basic training and scope of practice for the certification of intermediate emergency medical technicians ~~[.]~~ **and advanced emergency medical technicians.** (NRS 450B.191, 450B.1915**, 450B.195, 450B.197**) This bill requires the State Board of Health, in a county whose population is less than 400,000, to prescribe regulations for the endorsement of intermediate emergency medical technicians **and advanced emergency medical technicians** to administer immunizations, dispense medication and provide certain services for the community in ~~[a public health]~~ **an** emergency or otherwise satisfy public health needs. The district board of health, in a county whose population is 400,000 or more, is authorized, but is not required, to adopt regulations for such an endorsement.

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

Section 1. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement to administer immunizations, dispense medication and prepare and respond to certain public health needs issued in accordance with the regulations adopted pursuant to this section may:

(a) Administer immunizations and dispense medications;

(b) Participate in activities designed to prepare the community to meet anticipated health needs, including, without limitation, participation in public vaccination clinics; and

(c) Respond to an actual epidemic or other ~~[public health]~~ emergency in the community,

↵ under the direct supervision of the local health officer, or his designee, of the jurisdiction in which the immunization is administered or the medication is dispensed or in which the ~~[public health]~~ emergency or need exists.

2. The district board of health, in a county whose population is 400,000 or more, may adopt regulations for the endorsement of intermediate emergency medical technicians and advanced emergency medical technicians pursuant to this section. The regulations must:

(a) Prescribe the minimum training required to obtain such an endorsement;

(b) Prescribe the continuing education requirements or other evidence of continued competency for renewal of the endorsement;

(c) Prescribe the fee for the issuance and renewal of the endorsement, which must not exceed $5; and

(d) Not require licensure as an attendant as a condition of eligibility for an endorsement pursuant to this section.

3. The State Board of Health shall, for counties whose population is less than 400,000, adopt regulations for the endorsement of intermediate emergency medical technicians and advanced emergency medical technicians pursuant to this section. The regulations must:

(a) Prescribe the minimum training required to obtain such an endorsement;

(b) Prescribe the continuing education requirements or other evidence of continued competency for renewal of the endorsement;

(c) Prescribe the fee for the issuance and renewal of the endorsement, which must not exceed $5;

(d) To the extent practicable, authorize local health officers to provide the training and continuing education required to obtain and renew an endorsement; and

(e) Not require licensure as an attendant as a condition of eligibility for an endorsement pursuant to this section.

4. As used in this section ~~[, "local health officer"]~~ :

(a) "Emergency" means an occurrence or threatened occurrence for which, in the determination of the Governor, the assistance of state agencies is needed to supplement the efforts and capabilities of political subdivisions to save lives, protect property and protect the health and safety of persons in this State, or to avert the threat of damage to property or injury to or the death of persons in this State.

(b) "Local health officer" means a city health officer appointed pursuant to NRS 439.430, county health officer appointed pursuant to NRS

439.290 or district health officer appointed pursuant to NRS 439.368 or 439.400.

Sec. 2. NRS 450B.1915 is hereby amended to read as follows:

450B.1915 An intermediate emergency medical technician may perform any procedure and administer any drug ~~[approved]~~ ***:***

1. Approved by regulation of the board ~~[.]~~ ***; or***

2. Authorized pursuant to section 1 of this act, if the intermediate emergency medical technician has obtained an endorsement pursuant to that section.

Sec. 3. **NRS 450B.197 is hereby amended to read as follows:**

450B.197 An attendant or a firefighter who is an advanced emergency medical technician may perform any procedure and administer any drug ~~[approved]~~ ***:***

1. Approved by regulation of the board ~~[.]~~ ***; or***

2. Authorized pursuant to section 1 of this act, if the attendant or firefighter who is an advanced emergency medical technician has obtained an endorsement pursuant to that section.

~~[Sec. 3.]~~ ***Sec. 4.*** 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]~~ ***Except as otherwise provided in subsection 6, 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. ***An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to section 1 of this act, under the direct supervision of a local health officer or his designee pursuant to that section.***

7. 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.]~~ ***8.*** 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.]~~ ***9.*** 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.]~~ ***10.*** Any person designated by the head of a correctional institution.

~~[10.]~~ ***11.*** An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

~~[11.]~~ ***12.*** A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

~~[12.]~~ ***13.*** A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

~~[13.]~~ ***14.*** 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.]~~ ***15.*** 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.]~~ ***16.*** 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.]~~ ***17.*** A veterinary technician at the direction of his supervising veterinarian.

~~[17.]~~ ***18.*** 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.]~~ ***19.*** A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

~~[Sec. 4.]~~ ***Sec. 5.*** On or before July 1, 2009, the State Board of Health shall adopt regulations for the endorsement of intermediate emergency medical technicians **and advanced emergency medical technicians** pursuant to section 1 of this act.

~~[Sec. 5.]~~ ***Sec. 6.*** 1. This section and sections 1 and ~~[4]~~ **5** of this act become effective upon passage and approval for purposes of adopting regulations and on July 1, 2009, for all other purposes.

2. Sections 2 **,** ~~[and]~~ 3 **and 4** of this act become effective on July 1, 2009.

Assemblywoman Pierce moved the adoption of the amendment.

Remarks by Assemblywoman Pierce.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 360.

Bill read second time and ordered to third reading.

Assembly Bill No. 415.

Bill read second time and ordered to third reading.

Assembly Bill No. 426.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 220.

SUMMARY— ~~[Enacts provisions governing the recycling of certain electronic devices.]~~ **Requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct a study concerning programs for reusing and recycling computers and other electronics.** (BDR ~~[40-466)]~~ **S-466)**

AN ACT relating to recycling; ~~[prohibiting a manufacturer from selling or offering or delivering for sale in this State certain electronic devices under certain circumstances; requiring a manufacturer of such an electronic device to register with the Division of Environmental Protection of the State Department of Conservation and Natural Resources under certain circumstances; requiring the payment of annual registration fees and recycling fees; prohibiting a retailer from selling or offering or delivering for sale in this State such an electronic device under certain circumstances; requiring the Division to prepare a monthly list of registered manufacturers; enacting other provisions relating to the recycling of such electronic devices; providing a penalty;]~~ **requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct a study concerning programs for reusing and recycling computers and other electronics;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 2-32 of this bill provide for the recycling of covered electronic devices by manufacturers of the devices through a manufacturer program of recycling in this State or by the Division of Environmental Protection of the State Department of Conservation and Natural Resources through the state contractor program operated by the Division. Section 5 defines a covered electronic device as a computer monitor or television that has a viewing area which is greater than 4 inches measured diagonally and any desktop or portable computer. Section 21 prohibits a manufacturer from selling or offering or delivering for sale in this State any covered electronic device unless certain conditions are complied with. Section 22 requires each manufacturer to register with the Division and pay an annual registration fee. Section 23 authorizes certain manufacturers or a group of manufacturers to carry out a manufacturer program for recycling covered electronic devices by submitting a plan to the Division and complying with certain other requirements. Section 24 requires each manufacturer who participates in the state contractor program operated by the Division to pay a recycling fee in an amount determined by the Division. Section 26 prohibits a retailer from selling or offering or delivering for sale at retail in this State any covered electronic device unless certain conditions are complied with. Section 27~~

~~imposes several duties on the Division concerning the recycling of covered electronic devices in this State including: (1) preparing a monthly list of registered manufacturers and unregistered brands; (2) reviewing the plans of manufacturers who carry out a manufacturer program of recycling; (3) determining each manufacturer's return share and return share by weight of covered electronic devices for each calendar year; (4) establishing a state contractor program for recycling covered electronic devices; (5) determining the amount of annual registration fees and recycling fees; and (6) preparing a report for the Legislature concerning the operation of the statewide system for the collection, transportation and recycling of covered electronic devices. Section 31 specifies that the authority of incorporated cities and counties in this State to regulate the collection of solid waste is not limited by this bill. Section 32 provides a penalty for a violation of any provision of this~~**]** **This** bill **[.]** **requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct a study concerning programs for reusing and recycling computers and other electronics. The study must include an inventory of any programs for donating or recycling computers and other electronics in this State and surrounding states and an evaluation of those programs. This bill also requires the Administrator of the Division to submit a report setting forth the results of the study and at least one recommendation for legislation to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature.**

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

Section 1. ~~[Chapter 444A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 32, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*As used in sections 2 to 32, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 20, inclusive, of this act have the meanings ascribed to them in those sections.*]~~ **(Deleted by amendment.)**

Sec. 3. ~~[*"Brand" means any name, symbol, word or mark that identifies a covered electronic device, other than any of its components, and attributes the device to the owner of the brand as the manufacturer.*]~~ **(Deleted by amendment.)**

Sec. 4. ~~[*"Collector" means any entity that collects a covered electronic device as part of a manufacturer program or the state contractor program.*]~~ **(Deleted by amendment.)**

Sec. 5. ~~[*1. "Covered electronic device" means:*~~

~~*(a) A computer monitor of any type that has a viewable area which is greater than 4 inches measured diagonally;*~~

~~*(b) A desktop computer or portable computer; or*~~

~~*(c) A television of any type that has a viewable area which is greater than 4 inches measured diagonally.*~~

~~*2. The term does not include:*~~

~~*(a) Any part of a motor vehicle;*~~

~~*(b) Any part of a larger piece of equipment designed and intended for use in an industrial, commercial or medical setting, including, without limitation, any diagnostic, monitoring or control equipment;*~~

~~*(c) A telephone or personal digital assistant of any type unless the telephone or personal digital assistant contains a viewable area which is greater than 4 inches measured diagonally; or*~~

~~*(d) Any part of a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[*"Covered entity" means:*~~

~~*1. Any household;*~~

~~*2. Any business that employs 10 or fewer persons;*~~

~~*3. Any not for profit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code that employs 10 or fewer persons; or*~~

~~*4. Any person who provides seven or fewer covered electronic devices to a collector at any one time.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[*"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[*"Environmentally sound management practice" means any practice or other activity that complies with all applicable laws, including, without limitation:*~~

~~*1. Accurate recordkeeping;*~~

~~*2. Tracking of the disposition of recycled materials;*~~

~~*3. Conducting performance audits and inspections;*~~

~~*4. Complying with any applicable provisions for reuse and refurbishment;*~~

~~*5. Complying with any applicable employee health and safety requirements;*~~

~~*6. Maintaining liability insurance and financial assurances; and*~~

~~*7. Any other practice or activity specified in a regulation adopted by the Division pursuant to section 29 of this act.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[*1. "Manufacturer" means any person, regardless of the selling technique used by the person, including by means of a remote sale:*~~

~~*(a) Who manufactures a covered electronic device under a brand that the person owns or is licensed to use;*~~

~~*(b) Who sells a covered electronic device which is manufactured by another person under a brand that the seller owns;*~~

~~*(c) Who manufactures a covered electronic device without affixing a brand;*~~

~~*(d) Who manufactures a covered electronic device to which the person affixes a brand that he does not own; or*~~

~~*(e) On whose account a covered electronic device that is manufactured outside the United States is imported into the United States, except that if, at the time the covered electronic device is imported into the United States, another person is registered as the manufacturer of the brand of the covered electronic device.*~~

~~*2. The term does not include a person with a license to manufacture a covered electronic device for delivery exclusively to or at the order of the issuer of the license.]*~~ **(Deleted by amendment.)**

Sec. 10. ~~*[“Manufacturer program” means a statewide program for collecting, transporting and recycling covered electronic devices that is carried out by a single manufacturer or group of manufacturers pursuant to section 23 of this act.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~*[“Orphan device” means a covered electronic device the manufacturer of which is not identified.]*~~ **(Deleted by amendment.)**

Sec. 12. ~~*[“Person” includes a government, governmental agency and a political subdivision of a government.]*~~ **(Deleted by amendment.)**

Sec. 13. ~~*[“Portable computer” means any of the following devices which has a viewable area that is greater than 4 inches measured diagonally and which can be carried as a single unit by a person:*~~

~~*1. A laptop computer;*~~

~~*2. A notebook computer; or*~~

~~*3. A notepad computer.]*~~ **(Deleted by amendment.)**

Sec. 14. ~~*[“Premium service” means any at-location system upgrade service and at-home pickup service, including curbside pickup service, for the collection, transportation and recycling of covered electronic devices.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[1. “Recycling” means:*~~

~~*(a) Any processing of a covered electronic device by disassembling, dismantling, shredding, transforming or remanufacturing the covered electronic device, or any processing of any component or by-product of the covered electronic device, into a usable or marketable raw material or product; or*~~

~~*(b) Any smelting of materials from a component that is removed from a covered electronic device to recover metals for reuse in accordance with any applicable law or regulation.*~~

~~*2. The term does not include:*~~

~~*(a) Any disposal in a landfill or incineration of a covered electronic device; or*~~

~~*(b) Any recovery or generation of energy by means of combusting a covered electronic device, or any component or by-product thereof, with or without other waste.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[“Retailer” means any person who offers a new covered electronic device for sale at retail in this State by any means, including,*~~

~~*without limitation, any sale through a sales outlet, catalog, the Internet or any other remote offering of the covered electronic device.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[“Return share” means the minimum percentage of covered electronic devices that a manufacturer is responsible for collecting, transporting and recycling.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[“Return share by weight” means the minimum total weight of covered electronic devices that a manufacturer is responsible for collecting, transporting and recycling.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~*[“Sale” or “sell” means any transfer of title for consideration, including, without limitation, a remote sale conducted through a sales outlet, catalog, the Internet or any other electronic means. The term does not include a lease.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[“State contractor program” means a statewide program for the collection, transportation and recycling of covered electronic devices that is established by the Division pursuant to section 27 of this act.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[1. Sections 2 to 32, inclusive, of this act apply to all manufacturers engaging in activities as a manufacturer on or after October 1, 2009.*~~

~~*2. Sections 2 to 32, inclusive, of this act do not apply to a reused or refurbished covered electronic device.*~~

~~*3. A manufacturer shall not sell or offer or deliver for sale in this State a covered electronic device unless:*~~

~~*(a) The covered electronic device is labeled with a brand and the label is permanently affixed to and readily visible on the covered electronic device; and*~~

~~*(b) The brand is included on the list prepared by the Division pursuant to section 27 of this act.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[1. On or before December 31 of each year, each manufacturer of a covered electronic device that is sold or offered for sale in this State shall register with the Division, for a period to cover the upcoming calendar year, on a form provided by the Division. The registration must include:*~~

~~*(a) A list of each brand that is manufactured, sold or imported by the manufacturer, including any brand that is offered for sale in this State by the manufacturer;*~~

~~*(b) A statement indicating whether the manufacturer will carry out a manufacturer program or use the state contractor program for recycling covered electronic devices; and*~~

~~*(c) Any other information required by the Division for the registration.*~~

~~*2. Not later than July 1 of each year, each manufacturer of a covered electronic device that is sold or offered for sale in this State shall pay to the Division:*~~

~~*(a) For calendar years 2010 to 2013, inclusive:*~~

~~*(1) An annual registration fee of $15,000 if the manufacturer sold at least 1 percent of the total number of units of covered electronic devices sold in this State during the preceding calendar year.*~~

~~*(2) An annual registration fee of $5,000 if the manufacturer sold at least 0.1 percent but less than 1 percent of the total number of units of covered electronic devices sold in this State during the preceding calendar year.*~~

~~*(3) An annual registration fee of $200 if the manufacturer sold at least 0.01 percent but less than 0.1 percent of the total number of units of covered electronic devices sold in this State during the preceding calendar year.*~~

~~*(4) An annual registration fee of $40 if the manufacturer sold less than 0.01 percent of the total number of units of covered electronic devices sold in this State during the preceding calendar year.*~~

~~*(b) For calendar year 2014 and each calendar year thereafter, the amounts specified in paragraph (a) or an amount specified by the Division that the Division determines is necessary so that the total amount of annual registration fees collected will be approximately equal to the costs of the Division in carrying out the provisions of sections 2 to 32, inclusive, of this act, other than any costs incurred by the Division in carrying out the state contractor program.*~~

~~*3. If a manufacturer ceases to manufacture, sell or import a covered electronic device and a covered electronic device that was manufactured, sold or imported by the manufacturer is collected for recycling under a manufacturer program or the state contractor program, the manufacturer shall register with the Division and pay a registration fee of $250.*~~

~~*4. Any manufacturer subject to subsection 3 who receives a notice from the Division specifying the manufacturer's return share and return share by weight and who has not previously registered pursuant to this section shall, within 30 days after receiving the notice, register with the Division and pay to the Division a registration fee of $250.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[1. A manufacturer who chooses to carry out a manufacturer program shall submit a plan to the Division at the time the manufacturer pays the annual registration fee required pursuant to section 22 of this act.*~~

~~*2. A plan submitted pursuant to subsection 1 must describe the manner in which the manufacturer will:*~~

~~*(a) Finance, manage and conduct a statewide program to collect covered electronic devices from covered entities in this State;*~~

~~*(b) Provide for environmentally sound management practices to collect, transport and recycle covered electronic devices;*~~

~~*(c) Provide for advertising and promotion of collection opportunities statewide and on a regular basis; and*~~

~~*(d) Include convenient service in each county in this State which includes at least one collection site for each city whose population is 10,000 or more. A collection site for a county may be the same as the collection site for a city in the county. Each collection site must be staffed and open to the public at a frequency that is adequate to meet the needs of the area being served. A program may provide collection service jointly with another program.*~~

~~*3. In addition to the requirements of subsection 2, a manufacturer choosing to carry out a manufacturer program shall:*~~

~~*(a) Meet or exceed the requirements for collection sites specified in subsection 2;*~~

~~*(b) Provide for the collection, transportation and recycling of covered electronic devices for covered entities free of charge, except that a manufacturer who provides premium service for a covered entity may charge for any additional cost of providing that premium service; and*~~

~~*(c) Carry out the plan required pursuant to this section.*~~

~~*4. A group of manufacturers may choose to carry out a manufacturer program as a single entity, if in doing so the manufacturers meet the sum of their individual return shares by weight pursuant to subsection 3 of section 27 of this act and that sum is at least 5 percent.*~~

~~*5. On or before July 1 of each year, a manufacturer who does not meet its return share by weight for the preceding calendar year shall pay to the Division for the amount not met at a rate determined by the Division to be equal to the amount the manufacturer would have paid, plus 10 percent, to be part of the state contractor program pursuant to section 27 of this act.*~~

~~*6. A manufacturer participating in the state contractor program pursuant to section 27 of this act shall, at the time of submitting the manufacturer's annual registration pursuant to section 22 of this act, notify the Division of the participation of the manufacturer in the state contractor program.*~~

~~*7. Except as otherwise provided in subsection 4, a manufacturer who has less than a 5 percent return share during a year shall participate in the state contractor program pursuant to section 27 of this act.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~[*On or before September 1 of each year, a manufacturer who participates in the state contractor program shall pay a recycling fee to the Division in an amount determined by the Division pursuant to section 27 of this act to cover the costs of collecting, transporting and recycling the manufacturer's annual return share of covered electronic devices for the following year.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~[*1. Except as authorized in subsection 2, the operator of a manufacturer program or the state contractor program or a collector participating in a manufacturer program or the state contractor program shall not charge a fee to a covered entity for the collection, transportation or recycling of a covered electronic device.*~~

~~*2. A collector who provides a premium service to a covered entity may charge the covered entity a fee for any additional cost of providing the premium service.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~*[1. A retailer shall not sell or offer or deliver for sale in this State any covered electronic device unless:*~~

~~*(a) The covered electronic device is labeled with a brand and the label is permanently affixed to and readily visible on the covered electronic device;*~~

~~*(b) The brand is included on the list prepared by the Division pursuant to section 27 of this act; and*~~

~~*(c) The list prepared by the Division pursuant to section 27 of this act specifies that the manufacturer of the covered electronic device is in compliance with the requirements of sections 2 to 32, inclusive, of this act.*~~

~~*2. A retailer shall provide to a customer at the time of the sale of a covered electronic device information provided by the Division that sets forth details concerning where and how the customer may recycle a covered electronic device in this State. The information must be provided in printed form for in-store sales and in printable form for Internet sales and other sales where the Internet is used.]*~~ **(Deleted by amendment.)**

Sec. 27. ~~*[The Division shall:*~~

~~*1. Maintain and make available to the public the following lists, which must be revised on or before the first day of each month:*~~

~~*(a) A list of each registered manufacturer and the brand of that manufacturer;*~~

~~*(b) A list of each brand for which a manufacturer has not registered; and*~~

~~*(c) A list that identifies each manufacturer who has complied with sections 2 to 32, inclusive, of this act.*~~

~~*2. Review and approve all manufacturer plans that comply with the provisions of section 23 of this act and are submitted annually by manufacturers who choose to carry out a manufacturer program.*~~

~~*3. Except as otherwise provided in this section, determine the return share and return share by weight for each calendar year for each manufacturer. The return share must be determined by dividing the total weight of covered electronic devices of each manufacturer's brands by the total weight of covered electronic devices for all manufacturers' brands. The return share by weight must be determined by multiplying the return share for each manufacturer by the total weight in pounds of covered electronic devices, including orphan devices, collected from covered entities during the preceding calendar year.*~~

~~*4. For calendar years 2010 and 2011, determine the return share and return share by weight for each manufacturer based on the best available public return share data and public weight data from within the United States for covered electronic devices from covered entities. For subsequent years, the return share of covered electronic devices for each manufacturer must be based on the most recent annual sampling or count of covered*~~

~~*electronic devices and the total weight in pounds of covered electronic devices must be based on the total weight of covered electronic devices, including orphan devices, determined by the Division.*~~

~~*5. On or before May 1 of each year, provide to each manufacturer that had a return share determined pursuant to this section the amount of the return share and return share by weight of the manufacturer for the next year.*~~

~~*6. Establish a state contractor program for the collection, transportation and recycling of covered electronic devices from covered entities in this State. The state contractor program must:*~~

~~*(a) To the extent practicable, use existing collection and transportation services and recycling centers;*~~

~~*(b) Use environmentally sound management practices to collect, transport and recycle covered electronic devices;*~~

~~*(c) Provide for covered entities, free of charge, convenient and available collection services and sites for covered electronic devices in both rural and urban areas of this State;*~~

~~*(d) Advertise and promote collection opportunities statewide and on a regular basis; and*~~

~~*(e) Conduct a statistically significant sampling or actual count of the covered electronic devices collected and recycled by the state contractor program during each calendar year using a method approved by the Division and prepare a report not later than March 1 of the following calendar year that includes:*~~

~~*(1) A list of all brands identified during the sampling or count;*~~

~~*(2) The weight of covered electronic devices identified for each brand during the sampling or count; and*~~

~~*(3) The total weight of covered electronic devices, including orphan devices, collected from covered entities in this State by the state contractor program during the preceding calendar year.*~~

~~*7. Determine a manufacturer's annual registration fee for purposes of section 22 of this act using national market data prorated for this State based on statewide population.*~~

~~*8. Determine the amount of the recycling fee required to be paid pursuant to section 24 of this act by each manufacturer who participates in the state contractor program established pursuant to subsection 6. The Division shall determine the recycling fees as follows:*~~

~~*(a) Except as otherwise provided in paragraph (b), for each manufacturer the Division shall determine the recycling fee based on the manufacturer's annual return share and return share by weight determined pursuant to subsection 3; and*~~

~~*(b) For each manufacturer whose manufacture of covered electronic devices specified in paragraph (c) of subsection 1 of section 5 of this act exceeds its manufacture of covered electronic devices specified in paragraphs (a) and (b) of that subsection, the Division shall determine the*~~

~~*recycling fee based on the total return share and return share by weight determined pursuant to subsection 3 for all manufacturers described in this paragraph and allocated according to each manufacturer's percentage of the total number of covered electronic devices specified in paragraph (c) of subsection 1 of section 5 of this act and sold in this State during the preceding calendar year. The Division may use any national sales data to determine those percentages. The Division may assess a surcharge on the annual registration fee for manufacturers described in this paragraph to pay any additional costs incurred by the Division in carrying out this paragraph.*~~

~~*9. Maintain on its website information relating to collection opportunities for covered electronic devices, including, without limitation, collection site locations and hours. The information must be made available in a printable format for retailers.*~~

~~*10. On or before January 10 of each odd-numbered year, prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature concerning the operation of the statewide system for the collection, transportation and recycling of covered electronic devices.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~*[1. The Division shall evaluate any federal law or regulation that establishes a national program for the collection, transportation and recycling of electronic devices.*~~

~~*2. If the Division determines that the federal law or regulation substantially meets or exceeds the requirements of sections 2 to 32, inclusive, of this act, the Division shall include information concerning that determination in the next biennial report it submits to the Legislature pursuant to section 27 of this act.]*~~ **(Deleted by amendment.)**

Sec. 29. ~~*[The Division may adopt regulations to carry out the provisions of sections 2 to 32, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 30. ~~*[Any fees received pursuant to sections 2 to 32, inclusive, of this act must be accounted for separately and may be used only to carry out the provisions of sections 2 to 32, inclusive, of this act.]*~~ **(Deleted by amendment.)**

Sec. 31. ~~*[Sections 2 to 32, inclusive, of this act do not limit the authority of an incorporated city or any county in this State to regulate the collection of solid waste in the city or county.]*~~ **(Deleted by amendment.)**

Sec. 32. ~~*[A person who violates any provision of sections 2 to 32, inclusive, of this act or any regulation adopted pursuant to those provisions is guilty of a misdemeanor and, in addition to any other penalty, shall be fined not more than $100 for each day on which the violation continues.]*~~ **(Deleted by amendment.)**

Sec. 33. ~~[This act becomes effective:~~

~~1. Upon passage and approval for the purpose of adopting regulations and carrying out any preliminary administrative tasks that are required to carry out the provisions of this act; and~~

~~2. On October 1, 2009, for all other purposes.]~~ **(Deleted by amendment.)**

Sec. 34. **1. The Division of Environmental Protection of the State Department of Conservation and Natural Resources shall, within the limits of available money, conduct or cause to be conducted a study concerning programs for reusing and recycling computers and other electronics.**

2. The study must include, without limitation:

(a) An inventory of any programs for donating or recycling computers and other electronics in this State and surrounding states; and

(b) An evaluation of those programs and their effectiveness, including, without limitation, an assessment of the environmental effect of those programs.

3. The Administrator of the Division shall submit a report setting forth the results of the study and at least one recommendation for legislation to carry out a program for reusing and recycling computers and other electronics in this State to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature.

Sec. 35. **This act becomes effective on July 1, 2009.**

Assemblyman Claborn moved the adoption of the amendment.

Remarks by Assemblyman Claborn.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 462.

Bill read second time and ordered to third reading.

Assembly Bill No. 473.

Bill read second time and ordered to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

Assembly Bill No. 517.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time and ordered to third reading.

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

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 12:35 p.m.

Madam Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bill No. 109 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Smith moved that Assembly Bill No. 232 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 109.

Bill read third time.

The following amendment was proposed by the Committee on Atkinson:

Amendment No. 174.

AN ACT relating to motor vehicles; **requiring that license plates without distinguishing marks be furnished for two vehicles used by the office of the county coroner;** authorizing the Department of Motor Vehicles to issue certain special license plates for use on motorcycles; prescribing the fees for special license plates for use on vehicles other than passenger cars and light commercial vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that license plates furnished for certain exempt vehicles maintained for and used by certain governmental entities must be free of distinguishing marks which would otherwise identify the vehicle as a governmental vehicle. (NRS 482.368) Section 1 of this bill adds two vehicles used by the office of a county coroner to the list of vehicles for which license plates without a distinguishing mark must be furnished.

Under existing law, if the Department of Motor Vehicles issues special license plates for use on a passenger car or light commercial vehicle and if those special license plates generate financial support for a charitable organization, the Department is authorized to issue the special license plates for use on a trailer or other type of vehicle that is not a passenger car or light commercial vehicle, but is prohibited from issuing the special license plates for use on a motorcycle or heavy commercial vehicle. (NRS 482.3824) Effective July 1, 2010, **section 2 of** this bill removes the prohibition against the Department issuing such special license plates for use on motorcycles and provides further that the fees for special license plates issued for use on vehicles other than passenger cars or light commercial vehicles must be the

same as if the special license plates were issued for use on a passenger car or light commercial vehicle.

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

Section 1. **NRS 482.368 is hereby amended to read as follows:**

482.368 1. Except as otherwise provided in subsection 2, the Department shall provide suitable distinguishing license plates for exempt vehicles. These plates must be displayed on the vehicles in the same manner as provided for privately owned vehicles. The fee for the issuance of the plates is $5. Any license plates authorized by this section must be immediately returned to the Department when the vehicle for which they were issued ceases to be used exclusively for the purpose for which it was exempted from the governmental services tax.

2. License plates furnished for:

(a) Those vehicles which are maintained for and used by the Governor or under the authority and direction of the Chief Parole and Probation Officer, the State Contractors' Board and auditors, the State Fire Marshal, the Investigation Division of the Department of Public Safety and any authorized federal law enforcement agency or law enforcement agency from another state;

(b) One vehicle used by the Department of Corrections, three vehicles used by the Department of Wildlife, two vehicles used by the Caliente Youth Center and four vehicles used by the Nevada Youth Training Center;

(c) Vehicles of a city, county or the State, if authorized by the Department for the purposes of law enforcement or work related thereto or such other purposes as are approved upon proper application and justification; ~~[and]~~

(d) ***Two vehicles used by the office of the county coroner of any county which has created that office pursuant to NRS 244.163; and***

(e) Vehicles maintained for and used by investigators of the following:

(1) The State Gaming Control Board;
(2) The State Department of Agriculture;
(3) The Attorney General;
(4) City or county juvenile officers;
(5) District attorneys' offices;
(6) Public administrators' offices;
(7) Public guardians' offices;
(8) Sheriffs' offices;
(9) Police departments in the State; and
(10) The Securities Division of the Office of the Secretary of State,

➥ must not bear any distinguishing mark which would serve to identify the vehicles as owned by the State, county or city. These license plates must be issued annually for $12 per plate or, if issued in sets, per set.

3. The Director may enter into agreements with departments of motor vehicles of other states providing for exchanges of license plates of regular

series for vehicles maintained for and used by investigators of the law enforcement agencies enumerated in paragraph ~~[(d)]~~ ***(e)*** of subsection 2, subject to all of the requirements imposed by that paragraph, except that the fee required by that paragraph must not be charged.

4. Applications for the licenses must be made through the head of the department, board, bureau, commission, school district or irrigation district, or through the chairman of the board of county commissioners of the county or town or through the mayor of the city, owning or controlling the vehicles, and no plate or plates may be issued until a certificate has been filed with the Department showing that the name of the department, board, bureau, commission, county, city, town, school district or irrigation district, as the case may be, and the words "For Official Use Only" have been permanently and legibly affixed to each side of the vehicle, except those vehicles enumerated in subsection 2.

5. As used in this section, "exempt vehicle" means a vehicle exempt from the governmental services tax, except a vehicle owned by the United States.

6. The Department shall adopt regulations governing the use of all license plates provided for in this section. Upon a finding by the Department of any violation of its regulations, it may revoke the violator's privilege of registering vehicles pursuant to this section.

~~[Section 1.]~~ ***Sec. 2.*** NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3825, inclusive, and for which ~~[an additional fee is]~~ ***additional fees are*** imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer ***, motorcycle*** or other type of vehicle that is not a passenger car or light commercial vehicle, excluding ~~[motorcycles and]~~ vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 ***or 482.272*** and who otherwise complies with the requirements for registration and licensing pursuant to this

chapter ~~[.]~~ ***or chapter 486 of NRS.*** The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. ***If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.***

3. As used in this section ~~[, "charitable]~~ ***:***

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of ~~[an additional fee]~~ ***additional fees*** in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3825, inclusive. The term includes the successor, if any, of a charitable organization.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 482.38274 is hereby amended to read as follows:

482.38274 "Charitable organization" has the meaning ascribed to it in ~~[subsection 2 of]~~ NRS 482.3824.

~~[Sec. 3.]~~ ***Sec. 4.*** ~~[This act becomes]~~

1. This section and section 1 of this act become effective on July 1, 2009.

2. Sections 2 and 3 of this act become effective on July 1, 2010.

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assemblyman Oceguera moved that the Assembly recess until 1 p.m.

Motion carried.

Assembly in recess at 12:37 p.m.

ASSEMBLY IN SESSION

At 1:27 p.m.

Madam Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 15.
Bill read third time.
Remarks by Assemblymen Manendo and Grady.
Roll call on Assembly Bill No. 15:
YEAS—31.
NAYS—Christensen, Cobb, Gansert, Goedhart, Grady, Gustavson, Hambrick, McArthur, Settelmeyer, Stewart, Woodbury—11.
Assembly Bill No. 15 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 26.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 26:
YEAS—42.
NAYS—None.
Assembly Bill No. 26 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 35 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 76.
Bill read third time.
Remarks by Assemblywoman Pierce.
Roll call on Assembly Bill No. 76:
YEAS—42.
NAYS—None.
Assembly Bill No. 76 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 88 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 90.
Bill read third time.

Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 90:
YEAS—42.
NAYS—None.
Assembly Bill No. 90 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 120.
Bill read third time.
Roll call on Assembly Bill No. 120:
YEAS—42.
NAYS—None.
Assembly Bill No. 120 having received a constitutional majority, Madam Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 124.
Bill read third time.
Remarks by Assemblyman Grady.
Roll call on Assembly Bill No. 124:
YEAS—42.
NAYS—None.
Assembly Bill No. 124 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 191.
Bill read third time.
Remarks by Assemblyman Denis.
Roll call on Assembly Bill No. 191:
YEAS—38.
NAYS—Cobb, Goedhart, Gustavson, McArthur—4.
Assembly Bill No. 191 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 194.
Bill read third time.
Remarks by Assemblyman Goicoechea.
Roll call on Assembly Bill No. 194:
YEAS—42.
NAYS—None.
Assembly Bill No. 194 having received a constitutional majority, Madam Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 196.
Bill read third time.

Remarks by Assemblywoman Leslie.

Roll call on Assembly Bill No. 196:

YEAS—42.

NAYS—None.

Assembly Bill No. 196 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblywoman McClain.

Roll call on Assembly Bill No. 231:

YEAS—42.

NAYS—None.

Assembly Bill No. 231 having received a constitutional majority, Madam Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Oceguera moved that Assembly Bills Nos. 88, 237, 243, 253, 264, 266, 280, 301, 306, 327, 329, 332, 372, 393, 403, 412, 417, 459, 477, 518; Assembly Joint Resolution No. 7; Senate Bills Nos. 38, 109; Senate Joint Resolution No. 9 of the 74th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 21, 22, 23, 24, 25, 26, 27; Senate Concurrent Resolution No. 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Letson.

On request of Assemblywoman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Sydney Bogatz.

On request of Assemblyman Cobb, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Ward and Nikki Barcia.

On request of Assemblyman Settelmeyer, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Rite of Passage Charter High School: Gustavo Banvelos, Bradley DeBoe, Andy Estrada, Clayton Freeman, Eric Garcia, Dylan Jenkens, Joshua Koeller,

Adam Lage, Anthony McCall, Jose Montiel, Garret Munson, Michael Ochoa, Ryan Putney, Michael Reed, Jose Rodriguez, Joseph Romero, Terry Taylor, Zachery Taylor, Terell Tindall, Michael Tveretinov, Shane Venberg, Dechawn Wallace, De'Andre Walters; teachers John Fitzgerald and Michael Reynolds; chaperones Rod Blanchart, John Trent, and Jason Williams.

Assemblyman Oceguera moved that the Assembly adjourn until Friday, April 10, 2009, at 11:30 a.m.

Motion carried.

Assembly adjourned at 1:51 p.m.

Approved: BARBARA E. BUCKLEY
Speaker of the Assembly

Attest: SUSAN FURLONG REIL
Chief Clerk of the Assembly